

APPENDIX P

SCOPING MEETING SUMMARY AND PUBLIC NOTIFICATION MATERIALS



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

Summary Report

Public Scoping Meetings
July 2006

Prepared by: **CirclePoint**
October 2006

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1.1 INTRODUCTION

PROJECT OVERVIEW

The DesertXpress High Speed Train is a privately funded project being proposed by DesertXpress Enterprises, LLC. The proposed project consists of a fully grade-separated, double-track, passenger-only railroad extending approximately 200 miles, from Victorville, California to Las Vegas, Nevada. The proposed project includes two passenger stations—one in Victorville and one in Las Vegas. An additional station in Barstow will be evaluated as a result of comments received during the scoping process. The Victorville station would be located between the two existing Stoddard Wells interchanges. Three potential locations are currently being considered for the Las Vegas station, which would include a light maintenance, cleaning and inspection facility nearby. The project also includes the construction of maintenance, storage, and operations facilities at a site within the Victorville Valley Economic Development Area, near the Victorville Station.

PUBLIC PARTICIPATION PROGRAM

The Federal Railroad Administration (FRA) initiated the formal scoping process by publishing a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the Federal Register on July 14, 2006. The FRA is the lead agency for the project under the National Environmental Policy Act (NEPA), and will be preparing the EIS. The Surface Transportation Board (STB), the Federal Highway Administration (FHWA), and the Bureau of Land Management (BLM) are Cooperating Agencies under NEPA, and are participating with the FRA in preparing the EIS.

Three public scoping meetings were held as part of the public scoping process:

Las Vegas	Barstow	Victorville
The White House 3260 Joe Brown Drive July 25, 2006 5:00 p.m. – 8:00 p.m.	Ramada Inn 1571 E Main Street July 26, 2006 12:00 p.m. – 2:00 p.m.	San Bernardino County Fair Grounds 14800 Seventh Street, Building 3 July 26, 2006 5:00 p.m. – 8:00 p.m.

These meetings provided an opportunity for the public and agencies to comment on the scope of environmental topics that will be analyzed in the EIS.

Approximately 60 people attended the Public Scoping Meetings, not including Project team members. Meeting attendees were asked to register at the meeting so that a project mailing list could be created; this mailing list will be used by the FRA to update the public and agencies on subsequent public involvement opportunities (including meetings) and to disseminate additional information on the proposed project. (Registration Sheets are included in Appendix 1.) Once registered, attendees received the following meeting materials (copies of these documents are provided in Appendix 2):

- **Meeting Handout** describing the purpose of the Scoping Meeting and providing the meeting agenda.
- **Surface Transportation Board Brochure** outlining STB's environmental review process for new line construction projects.
- **Project Location Map** showing the proposed project alternatives.
- **Project Informational Mailer** discussing the project components, project purpose and need, and public scoping process.
- **Comment Sheet** for attendees to submit comments.

FRA and contractor staff presented the purpose and need for the proposed project, described the environmental studies to be conducted, and requested participation in determining the scope of environmental review. Representatives of DesertXpress Enterprises, LLC also provided information on the proposed project. Once the presentation concluded, attendees were encouraged to view the various exhibits that were placed around the room, and to direct questions to representatives of FRA or DesertXpress Enterprises, LLC. Freestanding exhibit boards were placed throughout the meeting area for participants to review. (Copies of the exhibit boards are included in Appendix 3.) Large aerial maps depicting the proposed project alignment were also presented at each scoping meeting.

FORMAL SCOPING MEETING NOTIFICATION

Federal Register/Notice of Intent

A NOI was printed in the Federal Register on July 14, 2006 (see copy of NOI in Appendix 4).

Newspaper

Notices to the public were published in local newspapers. Notices describing the proposed project and listing the dates and locations of the scoping meetings were printed in the Daily Press and the Las Vegas Sun/Las Vegas Review Journal (July 14 and July 23, 2006) and in the Desert Dispatch (July 14 and July 22, 2006). Appendix 5 contains the proof of publication in these newspapers.

Mailing

The FRA sent notification mailers to approximately 2,500 individuals on the project mailing list (including property owners within 500 feet of the proposed rail alignments). The notice provided information on the Public Scoping Meetings and briefly described the proposed elements of the project. The notice also included details on how and where to submit formal comments on the project. Appendix 6 contains a copy of the Project Information Notice.

Hotline

A telephone hotline was also established to provide a contact in advance of the Public Scoping Meetings. The hotline was operational from June 19th through October 23, 2006.

1.2 KEY ISSUES SUMMARY

METHOD OF RECEIVING COMMENTS

Public Scoping Meeting attendees were asked to submit their completed comment sheets at the meeting attended, or to mail the sheets (by August 15, 2006) to 455 Capitol Mall, Suite 305, Sacramento, California. Approximately 24 comment letters were received from meeting attendees. In addition to the comment sheets, 12 letters were received by the FRA at 1120 Vermont Avenue, Washington, DC 20590. No comments were received via the project hotline; however, one meeting participant called the hotline to request additional project information. Appendix 7 contains copies of all comments received on the project.

COMMENTS SUMMARY AND DISPOSITION

This section summarizes the comments received during the scoping process for the proposed project and the disposition of those comments. Written comments from the public were generally favorable, although some concerns were raised about the siting of the alignments.

Scoping Comment	Disposition of Comment
Air Quality	
A modern rail system that reduces diesel emissions should be implemented.	The EIS will analyze air pollutant emissions from the Applicant's proposed type of train and include appropriate mitigation measures to reduce significant air pollutant emissions impacts.
More detailed analysis should be included on air quality impacts and benefits with respect to regional air quality and transportation plans.	The EIS will evaluate the potential mode shift within the project limits and any resulting air quality benefits.
A full range of technologies for powering the train system and analyzing the air quality alternatives should be discussed.	The EIS will analyze air pollutant emissions from the Applicant's proposed type of train and include appropriate mitigation measures to reduce significant air pollutant emissions impacts.
The general conformity determination with related mitigation commitments should be included. FRA and DesertXpress should work with Mojave Desert Air Quality Management District, California Air Resources Board, Clark County Department of Air Quality Management, and Nevada Division of Environmental Protection to ensure that anticipated emissions from the project are consistent with applicable Air Quality Management Plans.	The EIS analysis will include a general conformity analysis and if necessary a determination will discuss the project's consistency with applicable Air Quality Management Plans.
Close coordination should be conducted with air quality agencies to ensure that emissions from both construction and operation phases conform to State Implementation Plans.	The EIS analysis will include a general conformity analysis for construction and operation phases with applicable State Implementation Plans. The applicant has met with the US EPA and will consult with air quality agencies to incorporate measures and design the project to avoid or minimize impacts to air quality.
A Construction Emissions Mitigation Plan for dust and diesel particulate matter should be included.	The analysis will consider a Construction Emissions Mitigation Plan.
Alternatives	
Maglev and conventional rail alternatives were advocated by several commentors.	Maglev is a different proposal and is not the subject of this EIS. The EIS will include analysis of a reasonable range of alternatives to the Applicant's proposed project.
The alternative analysis and the lack of other viable transportation alternatives in the scoping/environmental review process should be explained.	The EIS will analyze a reasonable range of alternatives to the Applicant's proposed project and explain the selection process.
The interrelationship and potential overlap of the proposed alternatives and technology with other high-speed rail proposals in the area should be explored.	The EIS will describe other reasonably foreseeable projects in the study area and evaluate the project's cumulative effects.

Scoping Comment	Disposition of Comment
A steel-wheel-on-rail system should be compared with an electromagnetic system.	See prior response.
Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.	The EIS will evaluate the resources along each alignment as well as alternatives to avoid significant impacts that may be identified.
The first passenger station should be located in San Bernardino rather than Victorville.	The purpose of the EIS is to evaluate the Applicant's proposal and reasonable alternatives. The EIS will address the potential for future connections/extensions.
Barstow attendees requested consideration of a passenger station located in Barstow.	A potential passenger station in Barstow has been added to the project description.
Any future plans to extend the DesertXpress line over the Cajon Pass into the Los Angeles basin or to connect with other future transport options should be disclosed.	The purpose of the EIS is to study the Applicant's proposal. The EIS will address the potential for future connections/extensions.
The side of the I-15 is a preferable right-of-way, as use of the median may add cost to future highway expansion.	Both a side-running and a median-running alignment will be analyzed in the EIS.
Biology and Biological Resources	
A protection plan for local vegetation should be prepared, specifically for the white margined beardtongue.	The EIS will evaluate potential impacts to white margined beardtongue and include mitigation measures as appropriate.
Impacts to Desert Tortoise and other State-listed species should be considered, and mitigation measures should be included in the EIS.	Analysis for biological resources will include field surveys, and if required, mitigation measures for all designated sensitive species.
Applicant should engage in early consultation with the Department of Fish and Game, as modification of the project may be required to reduce impacts to fish and wildlife resources.	The applicant has been engaged in on-going consultation with resource agencies to design the project to avoid or minimize impacts to all biological resources. The FRA will also consult with resource agencies during preparation of the EIS.
The EIS will address project fencing impacts to wildlife movement corridors.	The EIS will include analysis of impacts to wildlife movement.
A complete assessment of the flora and fauna within and adjacent to the project area should be included, with particular emphasis on the identification of endangered, threatened, and sensitive species and sensitive habitats.	Analysis for biological resources will include field surveys, and if required, mitigation measures for all designated sensitive species. The EIS will include analysis of potential impacts to flora and fauna along the study area.

Scoping Comment	Disposition of Comment
<p>A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources should be included, with specific measures to offset such impacts as described under CEQA guidelines. This would include an impact analysis relative to effects on off-site habitats: nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and wildlife corridor/movement areas.</p>	<p>The EIS will analyze direct, indirect, and cumulative impacts to habitat, wildlife movement, and sensitive species and include mitigation measures to reduce or avoid significant impacts. Determination of the applicability of CEQA is still pending.</p>
<p>Rare natural communities, as threatened habitats with regional and local significance, should be avoided.</p>	<p>The EIS will analyze and include appropriate mitigation measures for biological resources.</p>
<p>Efforts to avoid and/or minimize impacts to threatened and endangered species and associated habitats should be described; this should include preserves, parks, and restoration and habitat management areas. Efforts to minimize or avoid impacts to resources should be presented, and specific resources avoided should be quantified.</p>	<p>See prior response.</p>
<p>The analysis should address avoidance of impacts to waters of the U.S. and adoption of the Least Environmentally Damaging Practicable Alternative (LEDPA).</p>	<p>The analysis will consider alternatives that reduce impacts to waters of the U.S. The EIS will evaluate waters of the U.S. and identify the LEDPA.</p>
<p>A California Endangered Species Act (CESA) permit must be obtained if the project has the potential to result in “take” of species of plants or animals listed under CESA, both during construction and over the life of the project.</p>	<p>The EIS will analyze effects to sensitive species and will address applicable permits.</p>
<p>Possible conflicts with, and mitigation measures to reduce, wildlife/human interaction should be discussed.</p>	<p>The EIS will analyze impacts to wildlife and habitat and recommend mitigation measures, as necessary.</p>
Construction	
<p>Potential disposal sites should be identified and the environmental effects associated with spoil disposal at each of the sites should be analyzed.</p>	<p>The EIS will include consideration of all impacts from spoil or hazardous materials disposal.</p>
<p>The effects associated with the extensive truck traffic necessary to haul spoils to disposal sites should be discussed. This should include an estimate of truck trips; impacts to air quality, noise, and neighborhoods; and specific mitigation measures to reduce the estimated impacts.</p>	<p>The EIS air quality, traffic, and noise analysis will assess construction period impacts of project-related truck trips; impacts to air quality, noise, and land uses and community cohesion. Mitigation measures will be identified, as necessary.</p>

Scoping Comment	Disposition of Comment
Cumulative and Indirect Impacts	
<p>A thorough cumulative impact assessment should be conducted. The assessment should analyze the impacts from all reasonably foreseeable developments associated with the project, including non-transportation projects (e.g., large-scale developments) and urban planning projects identified within city and county planning documents. An analysis should be included of the rate of loss of resources and magnitude (size and relative importance) of impacts to resources.</p>	<p>The EIS will analyze direct, indirect, and cumulative impacts from all project-related development and will consider cumulative effects of the project with all reasonably foreseeable developments in the planning area.</p>
Environmental Justice	
<p>The area of potential impact used for the environmental justice impact analysis should be described and demographic information should be included.</p>	<p>The EIS will analyze environmental justice impacts as required by Federal laws, orders and regulations.</p>
Growth and Socioeconomics	
<p>Concern was raised that a negative economic impact would occur in Barstow if the proposed project did not include a stop in Barstow.</p>	<p>A potential passenger station in Barstow has been added to the project description.</p>
Hydrology and Water Quality	
<p>Specific surveys should be performed to determine the impacts on streambeds, both direct and indirect, that should be included in the EIS.</p>	<p>The EIS will describe surveys and analysis of potential impacts to streambeds and include appropriate mitigation measures.</p>
<p>Information should be provided on interference with groundwater recharge and alteration of existing drainage patterns of the area, which could result in substantial erosion or siltation, flooding, additional polluted runoff, or degradation of surface water or groundwater quantity or quality.</p>	<p>The environmental analysis will address changes to drainage patterns and streambeds, flooding, and effects to groundwater recharge.</p>
<p>A discussion should be included on the impacts of the proposed land uses on hydrology and water quality, as the creation of impervious surface and alteration of existing drainage patterns may affect groundwater recharge.</p>	<p>The EIS will analyze changes to drainage patterns and streambeds and effects to groundwater recharge as required by the resource agencies.</p>
<p>Applicable portions of the Water Quality Control Plan for the Lahontan Region (Basin Plan) should be cited and discussed in the EIS. The FRA must comply with all applicable water quality standards and prohibitions, including provisions of the basin.</p>	<p>The EIS will analyze potential water quality and groundwater recharge effects and will recommend BMPs and appropriate mitigation measures.</p>

Scoping Comment	Disposition of Comment
<p>Post-construction-period features should be identified to control stormwater on-site or prevent non-point-source pollutants from entering and degrading surface water or groundwater. The foremost method of reducing impacts to watersheds from urban development is “Low Impact Development” (LID).</p>	<p>The EIS will analyze potential water quality impacts and will recommend appropriate BMPs and mitigation measures.</p>
<p>Vegetative areas should be used for stormwater management and infiltration on site, which may enhance the aesthetics of the property. These principals can be incorporated into the proposed project design. Natural drainage patterns should be maintained to the extent feasible.</p>	<p>The EIS will analyze water quality and runoff and will recommend BMPs and mitigation measures that include performance standards in the EIS, as appropriate, to avoid or reduce any water quality impacts resulting from the project.</p>
<p>Designs that minimize impervious surface—such as permeable surface shoulders, directing runoff onto vegetated areas, and infiltrating runoff as close to the sources as possible—should be considered.</p>	<p>See prior response.</p>
<p>Both short-term (construction) and long-term (post-construction) Best Management Practices (BMPs) should be identified. Appropriate mitigation, and monitoring of mitigation measures, should be discussed.</p>	<p>The EIS will analyze construction and operation (post-construction) impacts to water quality and will recommend BMPs and mitigation measures in the EIS, as appropriate, to avoid or reduce any water quality impacts resulting from the project.</p>
<p>Land Use</p>	
<p>The siting of the Las Vegas Passenger Station should be carefully considered.</p>	<p>Three potential station locations in Las Vegas will be analyzed in the EIS.</p>
<p>The EIS should explain the power and authority to grant the right-of-way to the proposed project.</p>	<p>The EIS will include a description of approvals required to allow construction and operation of the project.</p>
<p>The decision to grant the same right-of-way corridor to the Steel-Wheel project (which was previously granted for another rail project) should be discussed further. Mitigation measures to alleviate the negative impacts of two rail lines on the same right-of-way corridor should be identified.</p>	<p>The EIS will include descriptions of related or reasonably foreseeable projects as part of the cumulative analysis.</p>
<p>Several local residents oppose the project because of the proximity of the project to their homes, or to the potential impacts of noise on human health and property value.</p>	<p>Land use compatibility, noise, and community impacts will be analyzed in the EIS.</p>
<p>The EIS should list and analyze the environmental impacts of constructing stations, parking facilities, maintenance and storage facilities, power propagation, infrastructure and required road developments and modifications.</p>	<p>The EIS will analyze the environmental effects of project elements.</p>

Scoping Comment	Disposition of Comment
The EIS should include measures to avoid or reduce environmental impacts associated with passenger stations and maintenance facilities (e.g., building multi-level parking structures rather than expansive single-level parking lots).	The EIS will analyze components of the project, and if appropriate, identify mitigation measures.
The locations of proposed stations, parking facilities, and additional infrastructure should be identified, and associated planned and unplanned growth should be discussed.	The EIS will include a description of components of the project and will include an evaluation of growth that may be induced by the project.
Expected land use changes associated with station locations should be described. The EIS should describe the environmental impacts of such land use changes, both indirect and cumulative.	Indirect and cumulative effects of all project components will be included in the EIS.
The responsibilities for mitigating environmental impacts of projected land use changes should be assigned and identified.	The EIS will describe mitigation measures and parties responsible for implementing those measures.
Mitigation Measures	
Preparation of a Construction Emissions Mitigation Plan and a Post-Construction Air Quality Impact Mitigation Plan was requested. Mitigation measures should be identified and described in the EIS.	The analysis will include consideration of a Construction Emissions Mitigation Plan. The EIS will describe mitigation measures and parties responsible for implementing those measures.
The mitigation should be very specific in nature and should have adequate detail. All mitigation measures required for the project should be specifically described in the EIS. It is not sufficient to state that mitigation will be accomplished through permit acquired and that appropriate governmental agencies will be notified. The EIS should completely evaluate the potential cumulative impacts of the project considering other existing and potential impacts.	The EIS will describe specific mitigation measures and measurable performance standards and parties responsible for implementing those measures. The environmental document will include analysis of direct, indirect, and cumulative impacts from all project-related developments and all reasonably foreseeable developments in the planning area. The impact analysis will include a quantification of all impacts to resources.
Noise	
There were several comments regarding the impacts of noise adjacent to residential properties.	Land use compatibility, noise, and community impacts will be analyzed in the EIS.
Purpose and Need	
The EIS should clearly demonstrate the logic of choosing Victorville for the proposed Southern California hub, as opposed to other population centers with existing transit facilities.	The purpose of the EIS is to study the applicant's proposal. The EIS will evaluate potential future connections/extensions in the cumulative impact analysis.
Data sources for ridership and population and economic growth projections should be disclosed.	Data sources will be appropriately documented in the EIS.

Scoping Comment	Disposition of Comment
It should be demonstrated that the project can finance the frequency of service to support ridership.	The operating plan and ridership forecasts for the project will be analyzed in the EIS.
The basis for cost assumptions should be disclosed. The availability of funds to cover cost overruns and fares to support both project construction and maintenance should be demonstrated.	The operating plan and ridership forecasts for the project will be analyzed in the EIS.
If funding from private sources is insufficient, it should be disclosed whether the project will require public funding (State or Federal).	The project is a privately proposed and funded venture and no public funding is proposed for the project.
Scoping and Outreach	
Several comments noted that better outreach efforts should have been made to notify city officials about the project in the cities along the project alignment.	Notification of the Scoping Meeting was done in compliance with federal laws and regulations. See Section 1.1 of this report.
The Barstow scoping meeting was not held at a convenient time for one commentor.	The scoping meetings were held at three locations and during day and night times to be convenient to a range of interested parties.
The legal and factual basis was requested for FRAs' NOI in the Federal Register.	The FRA is the lead federal agency for the environmental review of the project and as such issued the NOI in the Federal Register.
Project information should be accessible via a website, including a larger map so that the alternative alignments can be more easily viewed.	Information on accessing the project website was distributed at the scoping meetings.
The EIS should explain why a lead state agency was not identified for the project.	Determination of the applicability of CEQA and need for a state lead agency is still pending.
Traffic and Transportation	
Contact should be made with city and State transportation organizations and authorities along the project alignment, to facilitate coordination with existing transportation planning and rail construction efforts.	The FRA will consult with local and state transportation agencies in preparing the EIS.
The elements of the project that will require approval or funding by the FHWA or Federal Transit Administration should be identified. It should be demonstrated that these elements are included in a conforming transportation plan and transportation improvement system.	The EIS will include a description of approvals required to allow construction and operation of the project.
All transportation improvements providing access to the proposed facility from anticipated key rider groups in Southern California and population centers surrounding Las Vegas should be identified. This should include transit connections, the reduction of congestion, and increased bus service.	The EIS will include a description and analysis of all required components of the project including access to/from the proposed facilities.

Scoping Comment	Disposition of Comment
Methods of increasing use of public transit to the proposed stations should be explored.	Reasonably foreseeable projects such as added transit connections will be discussed in the cumulative analysis.
A feeder bus system is needed to make the project work.	See prior response.
Ridership estimates should be more accurately calculated and may be lower than projected.	The FRA is conducting a peer review of the Applicant's operating plan and ridership forecast.
Subsequent to the completion of the Final EIR, Union Pacific Railroad and BNSF Railway should arrange a meeting with RCES and the local highway authorities to discuss relevant safety issues of the public and private crossings, and to conduct diagnostic reviews as necessary. The modifications to the crossings require the Commission's approval.	No at-grade crossings are proposed and the project would be entirely grade separated.
A commentor wished to know if a peer review of the ridership projections will be included.	The FRA is conducting a peer review of the Applicant's operating plan and ridership forecast.
Utilities	
Information should be evaluated and provided on utilities and service systems. Issues include wastewater treatment requirements; construction of new water or wastewater treatment facilities or expansion of existing facilities; construction of new stormwater drainage facilities; and a determination by the applicable wastewater treatment provider that adequate capacity exists to serve the project's expected demand (in addition to the provider's existing commitments).	The EIS will analyze impacts to utilities, including wastewater facilities, water supply, and stormwater drainage facilities.
Water Resources	
National Environmental Policy Act (NEPA) and Clean Water Act Section 404 requirements should be integrated.	The FRA will consult with the Army Corps of Engineers and other resource agencies in preparing the EIS.
On-site alternatives to further avoid or minimize impacts to waters, by using spanned crossings or less damaging designs, should be explored.	The EIS will evaluate impacts to waters and include appropriate mitigation including avoidance measures.
Water assessment should include an appropriate scope and enough detail of existing conditions to identify sensitive areas or aquatic systems with functions highly susceptible to change.	See prior response.

Appendix 1

Registration Sheets



Federal Railroad
Administration

DESERTXpress HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

Public Scoping Meeting

Date: July 25, 2006

SIGN IN

Location: Las Vegas, NV

Please Print

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Federal Railroad
Administration

DESERTXpress HIGH SPEED TRAIN
LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

Public Scoping Meeting

SIGN IN

Date: July 25, 2006

Location: Las Vegas, NV

please print

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Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN
LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

Public Scoping Meeting

SIGN IN

please print

Date: July 25, 2006

Location: Las Vegas, NV

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Federal Railroad Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

Public Scoping Meeting

SIGN IN

Date: July 25, 2006

Location: Las Vegas, NV

Please print

Name: <u>Kristie Singley</u>	Affiliation (if applicable): <u>Homeowner</u>
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Name: <u>Brett Scoble</u>	Affiliation (if applicable): _____
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Date: **July 25, 2006**
Location: **Las Vegas, NV**

please print

Name: MYRTON BARBERS Affiliation (if applicable): _____
 Address: P.O. B. 94139 - LV - 89193
 Phone: _____ Email: N/A

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Name: Bruce Bowman Affiliation (if applicable): Ningpo Moore
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Name: Mary Foley Affiliation (if applicable): _____
 Address: _____
 Phone: _____ Email: Mary@jacktop.com

Name: _____ Affiliation (if applicable): _____
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Name: _____ Affiliation (if applicable): _____
 Address: _____
 Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____
 Address: _____
 Phone: _____ Email: _____



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Phone: <u>(702) 693-6675</u>	Email: <u>Diamond101@AEL.com</u>
Name: <u>Ami Schmeber</u>	Affiliation (if applicable): _____
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Phone: <u>(702) 400-2320</u>	Email: _____
Name: <u>Calvin Champdin</u>	Affiliation (if applicable): <u>Focus Prop. Group</u>
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Name: <u>Richard Dial</u>	Affiliation (if applicable): _____
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Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____



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Name: Omar Sofradzija	Affiliation (if applicable): LAS VEGAS REVIEW-JOURNAL
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Name: VERGESA Dennis	Affiliation (if applicable):
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Name: _____	Affiliation (if applicable): _____
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Phone: _____	Email: _____



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Name: <u>SIM FREES</u>	Affiliation (if applicable): _____
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Phone: <u>(702) 255-4001</u>	Email: <u>Velotta@lasvegassun.com</u>
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____



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Date: July 26, 2006

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Location: Barstow, CA

please print

Name: Kathy Barwick Affiliation (if applicable): _____

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Phone: (909)388-7725 Email: _____ A

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____



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Location: Barstow, CA

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Name: JASON FRIED Affiliation (if applicable): CaliforniaWilderness
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Date: July 26, 2006

Location: Barstow, CA

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Phone: <u>760-253-5265</u>	Email:
Name: <u>Keith Henderson</u>	Affiliation (if applicable):
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Phone: <u>760 253-7687</u>	Email:
Name: <u>Howard Decker</u>	Affiliation (if applicable): <u>Desert Dispatcher</u>
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Phone: <u>61760-987-6915</u>	Email: <u>Beth.Jones@ymail.com</u>
Name: <u>Brend Gagliardi</u>	Affiliation (if applicable): <u>EMD ^{*Rivers} Interwest</u>
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Date: July 26, 2006
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Phone: (519) 914-1849 Email: Mucasead@comcast.net

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Phone: 760-252-6021 Email: _____

Name: Rick Dewing Affiliation (if applicable): Caltrans Rail

Address: ~~1855~~ 855 M St Bk 200 Fresno, Ca 95721 A

Phone: _____ Email: _____

Name: Dr. Robert Lee Tranter Affiliation (if applicable): _____

Address: P.O. Box 5108 Anaheim, CA 92814

Phone: (714) 999-2929 Email: USAtransworld@aol.com

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____



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Date: July 26, 2006

SIGN IN

Location: Barstow, CA

Please print

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Phone: 760-252-6026 Email: _____

Name: _____ Affiliation (if applicable): _____
Address: _____
Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____
Address: _____
Phone: _____ Email: _____

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Address: _____
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SIGN IN

Location: Barstow, CA

Please print

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Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
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Name: _____	Affiliation (if applicable): _____
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Date: July 26, 2006

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Please print

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Phone: _____	Email: <u>rob@csob</u>
Name: <u>LeAnn Roberts</u>	Affiliation (if applicable): <u>Senator Farmer</u>
Address: _____	
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Name: <u>Sylvia Novoa</u>	Affiliation (if applicable): _____
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Address: CITY HALL	
Phone: 760-955-5029	Email: MAYOR@CDAVIL.COM
Name: DAVID SHEV	Affiliation (if applicable):
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Phone: 909-709-8888	Email:
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____



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SIGN IN

Location: Victorville, CA

Please print

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Phone: (760) 243-9406 Email: _____

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____

Address: _____

Phone: _____ Email: _____

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Name: _____ Affiliation (if applicable): _____

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Address: _____

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Please print

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Name: _____ Affiliation (if applicable): _____
 Address: _____
 Phone: _____ Email: _____

Name: _____ Affiliation (if applicable): _____
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Phone: <u>951-687-3280</u>	Email: _____
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Name: <u>TATIANA PROPHET</u>	Affiliation (if applicable): <u>DAILY PRESS (VICTORVILLE)</u>
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SIGN IN

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Please print

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Date: July 26, 2006

Location: Victorville, CA

Please print

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Phone: <u>(909) 396-8669</u>	Email: <u>TJ CHENG¹²³@Gmail.</u>
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____
Name: _____	Affiliation (if applicable): _____
Address: _____	
Phone: _____	Email: _____

MTH

MTB

Appendix 2

Meeting Materials



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The Federal Railroad Administration (FRA) welcomes you to the public scoping meeting for the DesertXpress High Speed Train Environmental Impact Statement (EIS). Federal cooperating agencies for the EIS are the Surface Transportation Board (STB), the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM). The purpose of this scoping meeting is to:

- **Initiate the environmental review process**
- **Present the project purpose and need**
- **Encourage public participation in determining the Scope of the environmental review**

The FRA, Circlepoint - the FRA's environmental consultant, and DesertXpress Enterprises - the private applicant, will make a brief presentation to orient you to the project, the environmental review process, and your opportunities to stay involved and informed. You are welcome to browse the information about the DesertXpress EIS and Project set up around the room on:

- **Purpose of the DesertXpress High Speed Train**
- **Project Benefits**
- **Environmental Issues to be Studied**
- **Environmental Process**
- **How to Stay Involved**
- **Project Area Map**
- **Alignment Maps with Aerial Views**

You can provide your written comments today by filling out a comment form and placing it in the comment box. Comments may also be mailed to the following address:

CirclePoint
attn: Mary Bean
455 Capitol Mall, Suite 305
Sacramento, CA 95814

Comments are due by August 15, 2006

Additional Project Information is available at the following website:

Federal Railroad Administration: www.fra.dot.gov/us/content/1703

CONTACT US

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Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW Suite 500
Washington, DC 20423

GENERAL INFORMATION

SURFACE TRANSPORTATION BOARD'S ENVIRONMENTAL REVIEW PROCESS

NEW RAIL LINE CONSTRUCTION PROJECTS

Who is the Surface Transportation Board?

The Surface Transportation Board (“Board”) was created by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat.803 (1995), on January 1, 1996, to assume some (but not all) functions of the Interstate Commerce Commission (“ICC”), particularly those related to the regulation of freight railroads. The Board is an independent federal regulatory agency with jurisdiction over certain surface transportation matters, including new rail line construction, abandonments, and mergers.

When is Board Licensing Required for New Rail Line Construction Projects?

The Board has jurisdiction over common carrier railroad lines that are part of the interstate rail network. A common carrier railroad line means that the railroad has an obligation to provide rail service to any and all shippers along that line upon request. Advance authorization from the Board is required before constructing or operating a new or extended common carrier railroad line.

Advance authorization from the Board is typically not required to construct private track (i.e., track constructed by a non-railroad company to exclusively serve its own facility) or auxiliary tracks (e.g., may include loading, unloading, storage or switching track).

Section of Environmental Analysis and What We Do.

The Section of Environmental Analysis (“SEA”) is the office within the Board responsible for directing the environmental review process, conducting independent analysis of all environmental data, and making environmental recommendations to the Board.

Typically, as part of the environmental review process for new rail line construction projects that come before the Board, SEA completes an environmental impact statement. The Board considers the entire environmental record, including all public comments submitted during the environmental review process, before making a final decision.

SEA is composed of a highly trained staff of administrative, legal and environmental specialists. SEA is headed by the Chief of the Section of Environmental Analysis.

The Board’s Environmental Rules

The Board’s environmental rules can be found at 49 CFR 1105. The environmental rules are designed to assure adequate consideration of environmental and energy factors in the Board’s decision making process. The Board has adopted the former ICC environmental regulations that govern the environmental review process and outline procedures for preparing environmental documents.

The Board’s environmental rules implement various environmental statutes that include the National Environmental Policy Act (“NEPA”), National Historic Preservation Act ,Endangered Species Act and related laws.

These regulations enable applicants, interested parties, and the Board’s environmental staff to better identify and more expeditiously resolve environmental concerns.

To help familiarize interested parties with the environmental rules, SEA has set forth on the Board’s website (www.stb.dot.gov) a series of questions and answers that address key provisions of the Board’s environmental rules. The environmental rules are also available to review and download at the website.

Frequently Asked Questions

Q. When is an Environmental Impact Statement (“EIS”) prepared?

A. An EIS is normally prepared for most rail construction proposals with the exception of the construction of certain connecting track.

Q. When is an Environmental Assessment (“EA”) prepared?

A. An EA is normally prepared for construction of certain connecting track; abandonments; discontinuance of service; an acquisition, lease or operation which exceeds the thresholds specified in 1105.7(e) (4) or(5); a rulemaking, policy statement, or legislative proposal that has the potential for significant environmental impacts; and water carrier licensing involving new operations or the transportation of hazardous materials.

Q. Does SEA encourage public participation in the environmental review process?

A. Yes, SEA ensures early agency consultation and public participation in all stages of the environmental review process.

Q. What is the Third-Party Contracting Process?

A. SEA uses third-party contractors to aid in preparing environmental documentation necessary to comply with the requirements of NEPA and related environmental laws in Board proceedings.

Q. How do I find information on projects currently before the Board?

A. Visit the Board’s website at www.stb.dot.gov. The Board maintains an electronic public docket and information system designed to expand public access.







DESERTXpress HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The Federal Railroad Administration (FRA) will be holding three public scoping meetings as part of the preparation of an Environmental Impact Statement (EIS) for the proposed DesertXpress high speed train project. The project includes passenger stations, a maintenance facility, and a new railroad line along the I-15 corridor between Victorville, California and Las Vegas, Nevada.

DesertXpress Enterprises, LLC (the project Applicant) proposes to construct and operate a privately financed interstate high-speed passenger train, with a proposed station in Victorville, California and a station in Las Vegas, Nevada, along a 200-mile corridor, within or adjacent to the I-15 freeway for about 170 miles and adjacent to existing railroad lines for about 30 miles.

The project would involve construction of a fully grade-separated, dedicated double track passenger-only railroad along an approximately 200-mile corridor, from Victorville California to Las Vegas, Nevada. The project would include the construction of a passenger station, as well as a maintenance, storage and operations facility in Victorville and one passenger station in Las Vegas.

- The proposed Victorville Station would be located along the west side of I-15 between the two existing Stoddard Wells interchanges.
- The Maintenance, Storage and Operations facility is proposed to be located in the City of Victorville on a site that lies within the Victorville Valley Economic Development Area.
- The Las Vegas passenger station would be located at one of three possible locations: 1) near the south end of the Las Vegas Strip; 2) in the center section of the Strip; or 3) in Downtown Las Vegas. A light maintenance, cleaning, and inspection facility would also be built near the Las Vegas station.

SCOPING AND COMMENTS

The public scoping meetings will be held to solicit public and agency input into the development of the scope of the EIS and to advise the public that **outreach activities conducted by the FRA will be considered in the preparation of the EIS.** Federal cooperating agencies for the EIS are the Surface Transportation Board (STB), the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM). Comments and suggestions are invited from all interested agencies and the public to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. **FRA is interested in determining the existence of areas of environmental concern where there may be the potential for identifiable significant impacts.**

Comments on the scope of the EIS can be submitted through August 15, 2006. Send comments to

Mr. David Vadenstein, Environmental Programs Manager, Office of Railroad Development, Federal Railroad Administration, 1120 Vermont Avenue, (Mail Stop 20), Washington, DC 20590.

The public meetings will be held on the following dates and locations. Please call (877) 222-7520 in advance if you need Spanish translation or other special needs.

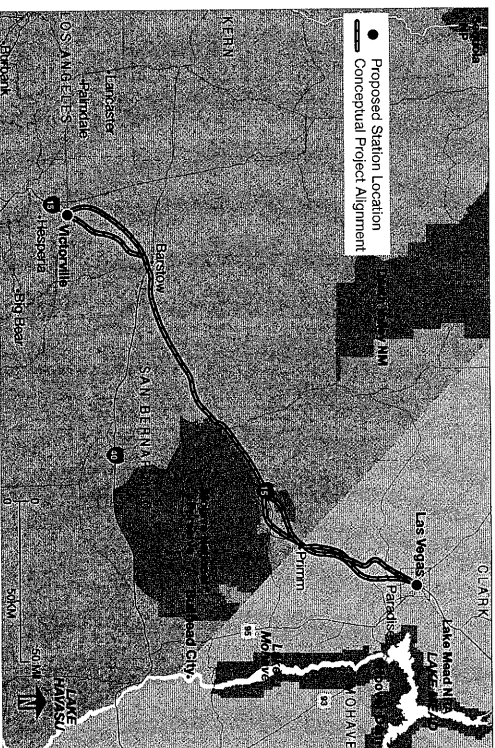
July 25, 5-8 pm The White House,
3260 Joe Brown Drive, Las Vegas, Nevada

July 26, 12-2 pm Ramada Inn,
1571 E Main Street, Barstow, California

July 26, 5-8 pm San Bernardino County Fairgrounds,
Building 3, 14800 Seventh Street, Victorville, California

DESERT EXPRESS PROPOSED SEGMENTS

The project alternatives have the same stations and maintenance facility. The railroad alignment between Victorville and Las Vegas can be divided into 6 distinct segments. Within each segment, several alternatives are being considered as discussed below.



NO BUILD

A No-Build alternative will be studied as the baseline for comparison with the proposed project. The No-Build Alternative represents the highway (I-15) and airport (McCarran) system physical characteristics and capacity as they exist at the time of the EIS (2006).

SEGMENT 1:

Victorville to Lenwood (south of Barstow, California): Alternative A would depart the Victorville Station in a south-westerly direction before turning north and generally following the existing BNSF Railway Company (BNSF) railroad corridor and Route 66 to a point just south of Barstow. Alternative B would depart the Victorville Station and head north generally following the west side of the I-15 corridor.



Federal Railroad
Administration

DESERTXpress HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The alignment would diverge from the I-15 corridor near Hodge Road and head northerly to a point just south of Barstow near the exiting BNSF railroad corridor. Alternative B would be approximately 6.8 miles shorter than Alternative A.

SEGMENT 2:

Lenwood (south of Barstow) to Yermo, California: From a point south of Barstow, the railroad alignment would head north for about five miles, cross the Mojave River and turn east through the City of Barstow. Through Barstow the alignment would utilize an existing, but abandoned, former Aitchison Topeka & Santa Fe railroad corridor along the north side of the Mojave River, for approximately three miles before reaching the vicinity of the I-15 / Old Highway 58 interchange on the east side of Barstow. From this point the alignment would head east along the north side of I-15 corridor through the town of Yermo to a point just east of the agricultural inspection station on the I-15 Freeway.

SEGMENT 3:

Yermo to Mountain Pass: There are two alignment alternatives in this segment: Alternative A entirely within the median of the I-15 freeway; and Alternative B along the north side of the I-15 corridor.

SEGMENT 4:

Mountain Pass to Primm, Nevada: Alternative A would leave the I-15 freeway corridor and head south for approximately four miles before returning to the I-15 freeway corridor south of Primm. A portion of this alignment may encroach on the Mojave Desert Preserve, about one half mile south of the I-15 freeway. Alternative B would leave the I-15 freeway corridor

and head north before returning to the I-15 freeway corridor south of Primm. A 4,000-foot long tunnel would be necessary for Alternative B.

SEGMENT 5:

Primm to Jean, Nevada: Alternative A would be entirely within the median of the I-15 freeway. Alternative B would continue along the east side of the I-15 freeway corridor between Primm and Jean.

SEGMENT 6:

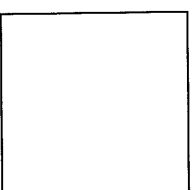
Jean to Las Vegas, Nevada: Alternative A would continue in the median of the I-15 freeway into the Las Vegas passenger station. Alternative B would cross the I-15 freeway corridor from the east side to the west side and continue along the west side of the I-15 freeway corridor into the Las Vegas passenger station. Alternative C would diverge to the east and generally follow the existing Union Pacific railroad corridor into the Las Vegas passenger station. To reach the downtown Las Vegas passenger station Alternative A would leave the median of the I-15 freeway corridor near Oakey Boulevard and diverge to the east to follow the Union Pacific railroad corridor to Bonneville Street. Alternatives B and C would follow the west side of the I-15 freeway corridor and cross at Oakey Boulevard to the east to join the Union Pacific railroad corridor to Bonneville Street.

Comments on the scope of the EIS can be submitted through August 15, 2006. Send comments to

**Mr. David Valenstein, Environmental Programs Manager,
Office of Railroad Development, Federal Railroad Administration,
1120 Vermont Avenue, (Mail Stop 20), Washington, DC 20590.**



Federal Railroad Administration
1120 Vermont Avenue, (Mail Stop 20)
Washington, DC 20590





Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date _____

Name _____

Address _____

Telephone _____

E-mail _____

Mail your comments to:

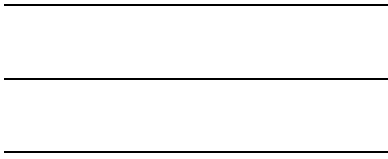
CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment: _____

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Place
Stamp
Here

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Fold Here and seal top before mailing

Appendix 3

Exhibit Boards



PROJECT BENEFITS

(IDENTIFIED BY DESERTXPRESS ENTERPRISES, INC.)

By providing a safe, fast and reliable alternative to the private automobile, DesertXpress is projected to divert more than 25 percent of car trips to rail, between Southern California and Las Vegas. This represents more than 3 million annual trips by car.

This privately financed transportation project would be completed without using limited tax dollars.

DesertXpress may result in the following benefits:

- Reduce use of fossil fuels, thereby reducing our reliance on imported petroleum
- Reduce car, bus and airplane exhaust emissions
- Relieve overcrowded McCarran Airport
- Reduce traffic demand on I-15
- Reduce travel time and the stress created by highway congestion
- Reduce the risk of highway accidents and accident-related injuries and fatalities
- Avoid the need to widen more than 150 miles of I-15
- Provide a potential future link to California's proposed high speed rail system and the Metrolink system
- Provide jobs during construction and hundreds of long term jobs thereafter, generating economic activity equivalent to several times more than the direct investment in the project



MEETING PURPOSE

- The purpose of the scoping meetings is **to solicit public and agency comments** regarding the scope of the environmental review of the proposed DesertXpress High Speed Train project
- The Federal Railroad Administration (FRA) is interested in comments regarding **environmental concerns and potential environmental impacts** of the project
- **The FRA will consider all public comments and suggestions** in the preparation of the Environmental Impact Statement



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

PROJECT PURPOSE & NEED

- The purpose of the DesertXpress project is to provide a new, privately financed, reliable mode of travel between Southern California (Victorville) and Las Vegas that is a convenient and efficient alternative to automobile travel on I-15 and air travel.
- The need for the project is directly related to the rapid increase in travel demand between Southern California and Las Vegas, coupled with the growth in population in the areas surrounding Victorville, Barstow, Primm and Las Vegas, which has resulted in substantial congestion along the I-15 freeway between Victorville and Las Vegas.



PROJECT DESCRIPTION

- Construction of a fully grade-separated, dedicated double track passenger-only railroad along an approximately 200-mile corridor, from Victorville California to Las Vegas, NV.
- The project would include the construction of a passenger station, as well as maintenance, storage and operations facility in Victorville and one passenger station in Las Vegas.
- **The proposed Victorville Station would be located along the west side of I-15 between the two existing Stoddard Wells interchanges.** The facilities directly associated with the Victorville station would occupy about 60 acres of land, and would have a parking capacity for up to 10,000 automobiles. Access to the Victorville station would be via the two existing Stoddard Wells Road Interchanges.
- **The Maintenance, Storage and Operations facility is proposed to be located in the City of Victorville** on a site that lies within the Victorville Valley Economic Development Area. The facility would require approximately 50 acres and would include a fueling station, train washing facility, repair shop, parts storage, and operations center. It is estimated that approximately 400 employees would be based at this facility.
- **The Las Vegas passenger station would be located at one of three possible locations:** 1) near the south end of the Las Vegas Strip; 2) in the center section of the Strip; or 3) in downtown Las Vegas. A light maintenance, cleaning, and inspection facility would also be built near the Las Vegas station.



ENVIRONMENTAL ISSUES TO BE STUDIED

- Traffic at Proposed Station Locations
- Rail Ridership
- Biological Resources
- Noise & Vibration
- Air Quality
- Wetlands
- Historic, Cultural, and Paleontological Resources
- Land Use
- Growth Inducement
- Environmental Justice
- Water Quality/Floodplains
- Hazardous Waste



ENVIRONMENTAL PROCESS

July 2006: Notice of Intent & Public Scoping Meetings



Environmental Technical Studies



Prepare Environmental Impact Statement (EIS)



Circulate EIS & Hold Public Hearing



Identify Preferred Alternative



Release Final EIS



Agency Approvals



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

HOW TO STAY INVOLVED

By signing in, you will be notified of future activities, including the availability of the Environmental Impact Statement (EIS).

You can submit your scoping comments tonight on comment sheets. Written scoping comments may be sent to the address listed below by August 15th, 2006.

- **Mary Bean**
CirclePoint
455 Capitol Mall, Suite 305
Sacramento, California 95814
- Visit FRA's website anytime for up to date EIS information:
www.fra.dot.gov/us/content/1703

Appendix 4

Federal Register Notice of Intent

Administration (RITA), to the Federal Motor Carrier Safety Information (FMCSA) (69 FR 51009, Aug. 17, 2004).
FMCSA IC: OMB Control No. 2126-0031.

Form No.: MP-1.

Type of Review: Extension of a currently approved information collection.

Respondents: Class I Motor Carriers of Passengers.

Number of Respondents: 26.

Estimated Time Per Response: 1.5 hours.

Expiration Date: August 31, 2006.

Frequency: Quarterly and Annually.

Total Annual Burden: 195 hours [130 responses x 1.5 hour per response = 195 hours].

Background

The Annual and Quarterly Report of Class I Motor Carriers of Passengers is a mandated reporting requirement applicable to certain motor carriers of passengers. Motor carriers (both interstate and intrastate) subject to the Federal Motor Carrier Safety Regulations are classified on the basis of their gross carrier operating revenues.¹ Class I passenger motor carriers are required to file with the Agency motor carrier quarterly and annual reports (Form MP-1) providing financial and operating data (see 49 U.S.C. 14123). Under the financial and operating statistics (F&OS) program, FMCSA collects balance sheet and income statement data along with information on tonnage, mileage, employees, transportation equipment, and related data. The Agency uses this information to assess the health of the industry and identify industry changes that could affect national transportation policy. The data also indicate company financial stability and operational characteristics. The data and information collected are made publicly available and used by FMCSA to determine a passenger carrier's compliance with the F&OS program

¹ For purposes of the Financial & Operating Statistics (F&OS) program, passenger carriers are classified into the following two groups: (1) Class I carriers are those having average annual gross transportation operating revenues (including interstate and intrastate) of \$5 million or more from passenger motor carrier operations after applying the revenue deflator formula in the Note of 49 CFR 1420.3; (2) Class II passenger carriers are those having average annual gross transportation operating revenues (including interstate and intrastate) of less than \$5 million from passenger motor carrier operations after applying the revenue deflator formula as shown in Note A of § 1420.3. Only Class I carriers of passengers are required to file Annual and Quarterly Report Form MP-1, but Class II passenger carriers must notify the Agency when there is a change in their classification or their revenues exceed the Class II limit.

requirements set forth in 49 CFR Part 1420.

The F&OS reporting regulations were formerly administered by the Interstate Commerce Commission. They were transferred to the U.S. Department of Transportation on January 1, 1996, by Section 103 of the ICC Termination Act of 1995 (ICCTA) (Pub. L. 104-88, 109 Stat. 803, December 29, 1995), now codified at 49 U.S.C. 14123. On September 30, 1998, the Secretary transferred the authority to administer the F&OS program to BTS (63 FR 52192). Effective September 29, 2004, the Secretary transferred this program responsibility from BTS and re delegated it to FMCSA (69 FR 51009, Aug. 17, 2004). FMCSA will publish a final rule that transfers and redesignates the F&OS program reporting requirements, currently at 49 CFR 1420, from BTS (now RITA) to FMCSA.

We particularly request comments on: (1) Whether the proposed collection of information is necessary for FMCSA to meet its goal of reducing commercial motor vehicle crashes, and the usefulness of the information with respect to this goal; (2) the accuracy of the estimated IC burden; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents (including use of automated collection techniques and other information technologies) without reducing the quality of the collected information. The Agency will summarize and/or include your comments in the request for OMB approval of this IC.

Issued on: July 7, 2006.

David H. Hugel,

Acting Administrator.

[FR Doc. E6-11140 Filed 7-13-06; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement: DesertXpress High Speed Train Between Victorville, CA and Las Vegas, NV

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The FRA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed

DesertXpress high-speed train project. The project includes passenger stations, a maintenance facility, and a new railroad line along the I-15 corridor between Victorville, California and Las Vegas, Nevada. FRA is issuing this notice to solicit public and agency input into the development of the scope of the EIS and to advise the public that outreach activities conducted by the FRA will be considered in the preparation of the EIS. Federal cooperating agencies for the EIS are the Surface Transportation Board (STB), the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM). Alternatives to be evaluated and analyzed in the EIS include (1) take no action (No-Project or No-Build); and, (2) construction of a privately financed steel-wheel-on-steel-rail high-speed train, including a proposed station in Victorville and a station in Las Vegas, and a maintenance facility in Victorville. Several alternative routings would be considered in the EIS.

DATES: Three scoping meetings will be held during July of 2006. Scoping meetings will be advertised locally and are scheduled for the following cities on the dates indicated below:

- July 25, 2006, Las Vegas Nevada at The White House, 3260 Joe Brown Drive time 5-8 pm.
- July 26, 2006, Barstow, California at the Ramada Inn, 1571 E. Main Street, time 12-2 pm, and
- July 26, 2006, Victorville, California at the San Bernardino County Fairgrounds Building 3, time 5-8 pm.

Persons interested in providing comments on the scope of the EIS should do so by August 15, 2006. Comments can be sent to Mr. David Valenstein at the FRA address identified below.

FOR FURTHER INFORMATION CONTACT: Mr. David Valenstein, Environmental Program Manager, Office of Railroad Development, Federal Railroad Administration, 1120 Vermont Avenue, (Mail Stop 20), Washington, DC 20590, (telephone 202/ 493-6368). Information and documents regarding the environmental review process will be made available through the FRA's Web site: <http://www.fra.dot.gov> at Passenger Rail, Environment, Current Reviews, DesertXpress.

SUPPLEMENTARY INFORMATION: The FRA will prepare an Environmental Impact Statement (EIS) for the proposed DesertXpress high-speed train project. The FRA is an operating administration of the U.S. Department of Transportation and is primarily responsible for railroad safety

regulation. Federal cooperating agencies for the EIS are the Surface Transportation Board (STB), the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM). The BLM has approval authority over the use of public lands under their control. The FHWA has jurisdiction over the use and/or modification of land within the I-15 right of way. The STB has exclusive jurisdiction, pursuant to 49 U.S.C. 10501(b), over the construction, acquisition, operation and abandonment of rail lines, railroad rates and services and rail carrier consolidations and mergers. The construction and operation of the proposed DesertXpress high-speed train project is subject to STB's approval authority under 49 U.S.C. 10901. To the extent appropriate, the EIS will address environmental concerns raised by federal, state and local agencies during the EIS process.

Project Description: DesertXpress Enterprises, LLC (the project Applicant) proposes to construct and operate a privately financed interstate high-speed passenger train, with a proposed station in Victorville, California and a station in Las Vegas, Nevada, along a 200-mile corridor, within or adjacent to the I-15 freeway for about 170 miles and adjacent to existing railroad lines for about 30 miles.

The need for the project is directly related to the rapid increase in travel demand between Southern California and Las Vegas, coupled with the growth in population in the areas surrounding Victorville, Barstow, Primm and Las Vegas, which has resulted in substantial congestion along the I-15 freeway between Victorville and Las Vegas. Ridership is estimated to be 4.1 million round trips in the first full year of service. To accommodate this level of ridership, trains would operate from 6 a.m. to 10 p.m., daily, 365 days a year at 20 to 30 minute intervals during peak periods.

The project would involve construction of a fully grade-separated, dedicated double track passenger-only railroad along an approximately 200-mile corridor, from Victorville California to Las Vegas, Nevada. Where the railroad alignment would be within the I-15 freeway corridor, continuous concrete truck barriers, as well as American Railway Engineering and Maintenance of Way Association crash barriers at all supporting columns of bridges at freeway interchanges and overpasses would be provided. The project would include the construction of a passenger station, as well as maintenance, storage and operations

facility in Victorville and one passenger station in Las Vegas.

The proposed Victorville Station would be located along the west side of I-15 between the two existing Stoddard Wells interchanges. The facilities directly associated with the Victorville station would occupy about 60 acres of land, and would have a parking capacity for up to 10,000 automobiles. Access to the Victorville station would be via the two existing Stoddard Wells Road Interchanges.

The Maintenance, Storage and Operations facility is proposed to be located in the City of Victorville on a site that lies within the Victorville Valley Economic Development Area. The facility would require approximately 50 acres and would include a fueling station, train washing facility, repair shop, parts storage, and operations center. It is estimated that approximately 400 employees would be based at this facility.

The Las Vegas passenger station would be located at one of three possible locations: (1) Near the south end of the Las Vegas Strip; (2) in the center section of the Strip; or (3) in downtown Las Vegas. A light maintenance, cleaning, and inspection facility would also be built near the Las Vegas station.

Alternatives: A No-Build alternative will be studied as the baseline for comparison with the proposed project. The No-Build Alternative represents the highway (I-15) and airport (McCarran) system physical characteristics and capacity as they exist at the time of the EIS (2006) with planned and funded improvements that will be in place at the time the project becomes operational. The project build alternatives have the same stations and maintenance facility. The railroad alignment between Victorville and Las Vegas can be divided into 6 distinct segments. Within the segments, several build alternatives are being considered as discussed below.

Segment 1: Victorville to Lenwood (south of Barstow, California): Alternative A would depart the Victorville Station in a south-westerly direction before turning north and generally following the existing BNSF Railway Company (BNSF) railroad corridor and Route 66 to a point just south of Barstow. Alternative B would depart the Victorville Station and head north generally following the west side of the I-15 corridor. The alignment would diverge from the I-15 corridor near Hodge Road and head northerly to a point just south of Barstow near the exiting BNSF railroad corridor.

Alternative B would be approximately 6.8 miles shorter than Alternative A.

Segment 2: Lenwood (South of Barstow) to Yermo, California: From a point south of Barstow, the build alternative alignment would head north for about five miles, cross the Mojave River and turn east through the City of Barstow. Through Barstow the alignment would utilize an existing, but abandoned, former Atchison Topeka & Santa Fe railroad corridor along the north side of the Mojave River, for approximately three miles before reaching the vicinity of the I-15 / Old Highway 58 interchange on the eastside of Barstow. From this point the alignment would head east along the north side of I-15 corridor through the town of Yermo to a point just east of the agricultural inspection station on the I-15 Freeway.

Segment 3: Yermo to Mountain Pass: There are two alignment alternatives in this segment: Alternative A entirely within the median of the I-15 freeway; and Alternative B along the north side of the I-15 corridor.

Segment 4: Mountain Pass to Primm, Nevada: Alternative A would leave the I-15 freeway corridor and head south for approximately four miles before returning to the I-15 freeway corridor south of Primm. A portion of this alignment may encroach on the Mojave Desert Preserve, about one half mile south of the I-15 freeway. Alternative B would leave the I-15 freeway corridor and head north before returning to the I-15 freeway corridor south of Primm. A 4,000-foot long tunnel would be necessary for Alternative B.

Segment 5: Primm to Jean, Nevada: Alternative A would be entirely within the median of the I-15 freeway. Alternative B would continue along the east side of the I-15 freeway corridor between Primm and Jean.

Segment 6: Jean to Las Vegas, Nevada: There are three alternative alignments in this segment. Alternative A would continue in the median of the I-15 freeway into the Las Vegas passenger station. Alternative B would cross the I-15 freeway corridor from the east side to the west side and continue along the west side of the I-15 freeway corridor into the Las Vegas passenger station. Alternative C would diverge to the east and generally follow the existing Union Pacific railroad corridor into the Las Vegas passenger station. To reach the downtown Las Vegas passenger station Alternative A would leave the median of the I-15 freeway corridor near Oakey Boulevard and diverge to the east to follow the Union Pacific railroad corridor to Bonneville Street. Alternatives B and C would follow the

west side of the I-15 freeway corridor and cross at Oakey Boulevard to the east to join the Union Pacific railroad corridor to Bonneville Street.

Scoping and Comments: FRA encourages broad participation in the EIS process during scoping and review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public at large to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, FRA is interested in determining whether there are areas of environmental concern where there might be the potential for identifiable significant impacts. FRA invites and welcomes public agencies, communities and members of the public to advise the FRA of their environmental concerns, and to comment on the scope and content of the environmental information regarding the proposed project. Persons interested in providing comments on the scope of the EIS should send them to Mr. David Valenstein at the FRA address identified above by August 15, 2006.

Issued in Washington, DC, on July 11, 2006.

Mark E. Yachmetz,

Associate Administrator for Railroad Development.

[FR Doc. E6-11154 Filed 7-13-06; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket Number: FTA-2005-23227]

Notice of Proposed Title VI Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of proposed revisions and request for comment.

SUMMARY: The Federal Transit Administration (FTA) is revising and updating its Circular 4702.1, "Title VI Program Guidelines for Urban Mass Transit Administration Recipients." FTA is issuing a proposed Title VI Circular and seeks input from interested parties on this document. After consideration of the comments, FTA will issue a second **Federal Register** notice responding to comments received and noting any changes made to the Circular as a result of comments received. The proposed Circular is available in Docket Number: 23227 at <http://dms.dot.gov>.

DATES: Comments must be received by August 14, 2006. Late filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FTA-05-23227 by any of the following methods: Web Site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site; Fax: 202-493-2251; Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, PL-401, Washington, DC 20590-0001; Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name (Federal Transit Administration) and the docket number (FTA-05-23227). You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed, stamped postcard. Note that all comments received will be posted without change to the Department's Docket Management System (DMS) website located at <http://dms.dot.gov>. This means that if your comment includes any personal identifying information, such information will be made available to users of DMS.

FOR FURTHER INFORMATION CONTACT:

David Schneider, Office of Civil Rights, 400 Seventh Street, SW., Washington, DC, 20590, (202) 366-4018 or at David.Schneider@fta.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The authority for FTA's Title VI Circular derives from Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Section 601 of this Title provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance," (42 U.S.C 2000d). Section 602 authorizes Federal agencies "to effectuate the provisions of [Section 601] * * * by issuing rules, regulations or orders of general applicability," (42 U.S.C. 2000d-1). The U.S. Department of Transportation (DOT), in an exercise of

this authority, promulgated regulations, contained in 49 CFR Part 21 that effectuate the provisions of Section 601 and Title VI in general.

FTA Circular 4702.1, titled "Title VI Program Guidelines for Urban Mass Transit Administration Recipients," provides information on how FTA will enforce the Department of Transportation's Title VI regulations at 49 CFR Part 21. The Circular includes information, guidance, and instructions on the objectives of Title VI, information on specific grant programs covered by Title VI, a description of FTA data collection and reporting requirements, a summary of FTA Title VI compliance review procedures, a description of FTA process for implementing remedial and enforcement actions, information on how FTA will respond to Title VI complaints, and public information requirements. Circular 4702.1 was last updated on May 26, 1988.

The proposed circular would make reference to and in some instances would summarize the text of other FTA guidance, regulations, and other documents. Many of the documents referred to will undergo revision during the life of the proposed circular. In all cases, the most current guidance document, regulation, etc will supercede any preceding information provided. FTA reserves the right to make page changes to proposed and final circulars regarding updates to other provisions, without subjecting the entire circular to public comment.

Comments Related to Reporting Requirements: In addition to general comments concerning the draft Title VI Circular, FTA is seeking comments from its recipients and subrecipients concerning the costs and benefits associated with meeting the proposed Circular's guidance. Recipients and subrecipients are encouraged to comment on the number of hours and/or financial cost associated with implementing the Circular's guidance as well as the extent to which following the guidance will assist the recipient and subrecipient in achieving its organizational objectives.

I. Why is FTA revising its Title VI Circular?

The DOT Title VI regulations and FTA Circular 4702.1 attempt to transform the broad antidiscrimination ideals set forth in Section 601 of Title VI into reality. In the 18 years since FTA last revised its Title VI Circular, much of FTA's guidance has become outdated. Over those years, legislation, Executive Orders, and court cases have transformed transportation policy and affected Title VI rights and

Appendix 5

Proofs of Publication

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
County of San Bernardino**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case Number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

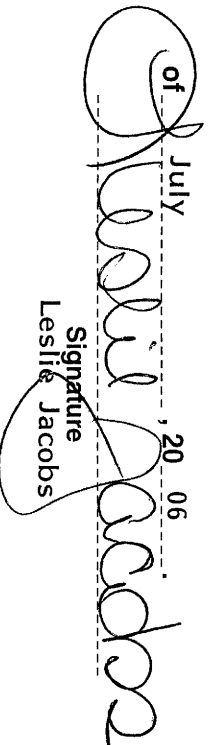
July 10 and 23

all in the year 20 06 .

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this 24th day

of July 20 06


Signature
Leslie Jacobs

This space is the County Clerk's Filing Stamp

Proof of Publication of

DESERTXPRESS HIGH
SPEED TRAIN

**DesertXpress High
Speed Train
To Link Victorville,
CA and
Las Vegas, NV**

The Federal Railroad Administration (FRA) will be holding three public scoping meetings to prepare for an Environmental Impact Statement (EIS) for the proposed DesertXpress high speed train project.

DesertXpress Enterprises, LLC (the project Applicant) proposes to construct and operate a privately financed interstate high-speed passenger train with a proposed station in Victorville, California, and a station in Las Vegas, Nevada, along a 200-mile corridor.

The public meetings will be held on the following dates and locations. Please call (877) 222-7520 in advance if you need Spanish translation or other special needs.

**July 25, 6-8 pm
The White House
3260 Joe Brown Dr
Las Vegas, NV**

**July 26, 12-2pm
Ramada Inn
1571 E Main Street
Barstow, CA**

**July 26, 5-8 pm
San Bernardino County
Fairgrounds
Bldg 3, Victorville**

Comments: FRA is interested in receiving public comments by August 15, 2006 to determine areas of environmental concern and where there may be potential for identifiable significant impacts.

Published in the Daily Press
July 14, 23, 2006
(F5U-98)

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case Number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

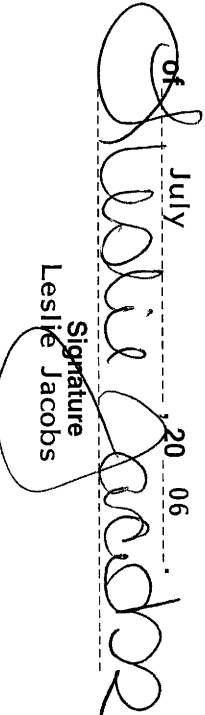
July 10 and 22

all in the year 20__06__.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this 24th day

of July 20 06


Signature
Leslie Jacobs

This space is the County Clerk's Filing Stamp

Proof of Publication of

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San Bernardino County
Fairgrounds
Bldg 3, Victorville**

Comments: FRA is interested in receiving public comments by August 15, 2006 to determine areas of environmental concern and where there may be potential for identifiable significant impacts.

Published in the
Desert Dispatch
July 14, 22, 2006
(FSA-70)

ARFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CIRCLEPOINT
4770445

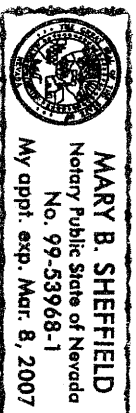
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 2
edition(s) of said newspaper issued from 07/14/2006 to 07/23/2006, on
the following days: JULY 14, 23, 2006

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 24

day of July 2006

Mary B. Sheffield
Notary Public



DesertXpress High Speed Train to Link Victorville, California and Las Vegas, Nevada

The Federal Railroad Administration (FRA) will be holding three public scoping meetings as part of the preparation of an Environmental Impact Statement (EIS) for the proposed DesertXpress high speed train project. The project includes passenger stations, a maintenance facility, and a new railroad line along the I-15 corridor between Victorville, California, and Las Vegas, Nevada.

DesertXpress Enterprises, LLC (the project Applicant), proposes to construct and operate a privately financed interstate high-speed passenger train, with a proposed station in Victorville, California and a station in Las Vegas, Nevada along a 200-mile corridor.

The public meetings will be held on the following dates and locations. Please call (877) 222-7520 in advance if you need Spanish translation or other special needs.

July 25 5-8 pm The White House 3260 Joe Brown Drive Las Vegas, NV	July 26 12-2 pm Ramada Inn 1571 Main St Barstow, CA	July 26 5-8 pm San Bernardino County Fairgrounds Bldg. 3 Victorville, CA
---	---	---

Scoping and Comments

The public scoping meetings will be held to solicit public and agency input into the development of the scope of the EIS and to advise the public that outreach activities conducted by the FRA will be considered in the preparation of the EIS. **FRA is interested in determining areas of environmental concern where there may be the potential for identifiable significant impacts.**

Comments on the scope of the EIS can be submitted through August 15, 2006. Send comments to Mr. David Valenstein, Office of Passenger Programs, Federal Railroad Administration, 1120 Vermont Avenue, (Mail Stop 20), Washington, DC 20590.
PUB: July 14, 23, 2006 LV Review-Journal

Appendix 6

Project Information Notice



DESERTXpress HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The Federal Railroad Administration (FRA) will be holding three public scoping meetings as part of the preparation of an Environmental Impact Statement (EIS) for the proposed DesertXpress high speed train project. The project includes passenger stations, a maintenance facility, and a new railroad line along the I-15 corridor between Victorville, California and Las Vegas, Nevada.

DesertXpress Enterprises, LLC (the project Applicant) proposes to construct and operate a privately financed interstate high-speed passenger train, with a proposed station in Victorville, California and a station in Las Vegas, Nevada, along a 200-mile corridor, within or adjacent to the I-15 freeway for about 170 miles and adjacent to existing railroad lines for about 30 miles.

The project would involve construction of a fully grade-separated, dedicated double track passenger-only railroad along an approximately 200-mile corridor, from Victorville California to Las Vegas, Nevada. The project would include the construction of a passenger station, as well as a maintenance, storage and operations facility in Victorville and one passenger station in Las Vegas.

- The proposed Victorville Station would be located along the west side of I-15 between the two existing Stoddard Wells interchanges.
- The Maintenance, Storage and Operations facility is proposed to be located in the City of Victorville on a site that lies within the Victorville Valley Economic Development Area.
- The Las Vegas passenger station would be located at one of three possible locations: 1) near the south end of the Las Vegas Strip; 2) in the center section of the Strip; or 3) in Downtown Las Vegas. A light maintenance, cleaning, and inspection facility would also be built near the Las Vegas station.

SCOPING AND COMMENTS

The public scoping meetings will be held to solicit public and agency input into the development of the scope of the EIS and to advise the public that **outreach activities conducted by the FRA will be considered in the preparation of the EIS.** Federal cooperating agencies for the EIS are the Surface Transportation Board (STB), the Federal Highway Administration (FHWA) and the Bureau of Land Management (BLM). Comments and suggestions are invited from all interested agencies and the public to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. **FRA is interested in determining the existence of areas of environmental concern where there may be the potential for identifiable significant impacts.**

Comments on the scope of the EIS can be submitted through August 15, 2006. Send comments to

Mr. David Vadenstein, Environmental Programs Manager, Office of Railroad Development, Federal Railroad Administration, 1120 Vermont Avenue, (Mail Stop 20), Washington, DC 20590.

The public meetings will be held on the following dates and locations. Please call (877) 222-7520 in advance if you need Spanish translation or other special needs.

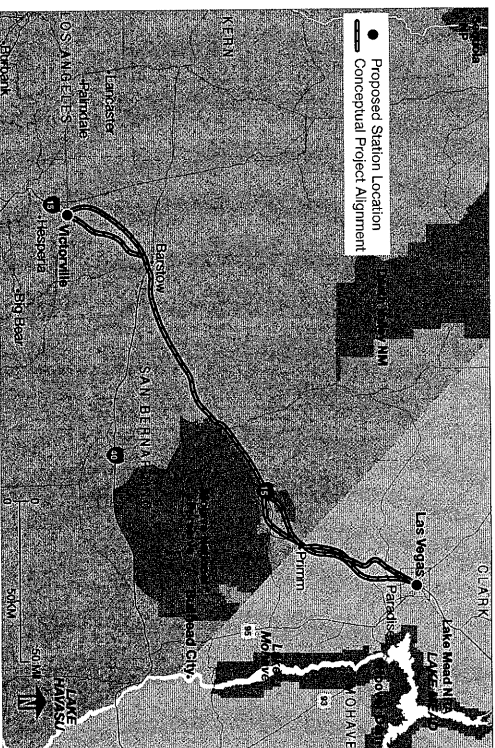
July 25, 5-8 pm The White House,
3260 Joe Brown Drive, Las Vegas, Nevada

July 26, 12-2 pm Ramada Inn,
1571 E Main Street, Barstow, California

July 26, 5-8 pm San Bernardino County Fairgrounds,
Building 3, 14800 Seventh Street, Victorville, California

DESERT EXPRESS PROPOSED SEGMENTS

The project alternatives have the same stations and maintenance facility. The railroad alignment between Victorville and Las Vegas can be divided into 6 distinct segments. Within each segment, several alternatives are being considered as discussed below.



NO BUILD

A No-Build alternative will be studied as the baseline for comparison with the proposed project. The No-Build Alternative represents the highway (I-15) and airport (McCarran) system physical characteristics and capacity as they exist at the time of the EIS (2006).

SEGMENT 1:

Victorville to Lenwood (south of Barstow, California): Alternative A would depart the Victorville Station in a south-westerly direction before turning north and generally following the existing BNSF Railway Company (BNSF) railroad corridor and Route 66 to a point just south of Barstow. Alternative B would depart the Victorville Station and head north generally following the west side of the I-15 corridor.



Federal Railroad
Administration

DESERTXpress HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The alignment would diverge from the I-15 corridor near Hodge Road and head northerly to a point just south of Barstow near the exiting BNSF railroad corridor. Alternative B would be approximately 6.8 miles shorter than Alternative A.

SEGMENT 2:

Lenwood (south of Barstow) to Yermo, California: From a point south of Barstow, the railroad alignment would head north for about five miles, cross the Mojave River and turn east through the City of Barstow. Through Barstow the alignment would utilize an existing, but abandoned, former Aitchison Topeka & Santa Fe railroad corridor along the north side of the Mojave River, for approximately three miles before reaching the vicinity of the I-15 / Old Highway 58 interchange on the east side of Barstow. From this point the alignment would head east along the north side of I-15 corridor through the town of Yermo to a point just east of the agricultural inspection station on the I-15 Freeway.

SEGMENT 3:

Yermo to Mountain Pass: There are two alignment alternatives in this segment: Alternative A entirely within the median of the I-15 freeway; and Alternative B along the north side of the I-15 corridor.

SEGMENT 4:

Mountain Pass to Primm, Nevada: Alternative A would leave the I-15 freeway corridor and head south for approximately four miles before returning to the I-15 freeway corridor south of Primm. A portion of this alignment may encroach on the Mojave Desert Preserve, about one half mile south of the I-15 freeway. Alternative B would leave the I-15 freeway corridor

and head north before returning to the I-15 freeway corridor south of Primm. A 4,000-foot long tunnel would be necessary for Alternative B.

SEGMENT 5:

Primm to Jean, Nevada: Alternative A would be entirely within the median of the I-15 freeway. Alternative B would continue along the east side of the I-15 freeway corridor between Primm and Jean.

SEGMENT 6:

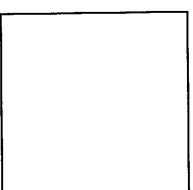
Jean to Las Vegas, Nevada: Alternative A would continue in the median of the I-15 freeway into the Las Vegas passenger station. Alternative B would cross the I-15 freeway corridor from the east side to the west side and continue along the west side of the I-15 freeway corridor into the Las Vegas passenger station. Alternative C would diverge to the east and generally follow the existing Union Pacific railroad corridor into the Las Vegas passenger station. To reach the downtown Las Vegas passenger station Alternative A would leave the median of the I-15 freeway corridor near Oakey Boulevard and diverge to the east to follow the Union Pacific railroad corridor to Bonneville Street. Alternatives B and C would follow the west side of the I-15 freeway corridor and cross at Oakey Boulevard to the east to join the Union Pacific railroad corridor to Bonneville Street.

Comments on the scope of the EIS can be submitted through August 15, 2006. Send comments to

**Mr. David Valenstein, Environmental Programs Manager,
Office of Railroad Development, Federal Railroad Administration,
1120 Vermont Avenue, (Mail Stop 20), Washington, DC 20590.**



Federal Railroad Administration
1120 Vermont Avenue, (Mail Stop 20)
Washington, DC 20590



Appendix 7

Comments



Federal Railroad Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date

7/24/06

Name

J. Kimmel

Address

1450 San Juan Hills
~~203~~ 203

Telephone

Las Vegas, NV. 89134
702 491-9038

E-mail

~~_____~~

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open until August 15, 2006

Comment:

w'd have been wanting 16 years for a maglev system to LA that we now know will never be built because it is too expensive. Finally, the private sector has stepped up to get us a fast train connection to the LA area. Hurray! 100% support it.

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 7-25-06

Name NARESH KUMAR

Address P.O. BOX 1242
S. PASADENA, CA 91031

Telephone 626/675-2858

E-mail Narkumsha@yahoo.com

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment:

THIS IS THE BEST THING TO HAPPEN SINCE THE

I IS FROM L.A TO L.V. WE NEED THIS

PROJECT TO COMPLETE SOONER THAN 2012.

I WISH THIS PROJECT COMPLETE SUCCESS.

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 7-25-06

Name Rick Deming

Address 855 'M' St, Ste 200
Fresno, Ca 93720

Telephone (559) 287-8119

E-mail Rick.Deming@dot.ca.gov

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

- Comment: 1. a major feeder bus system will be
required to make this work
2. A performance bond must be required to assure
completion of construction
3. Using the side of Hwy 15 right-of-way vs the
median will allow future expansion to 6 lanes.
Placing the rail in the median even in the
mountain passes just adds cost to Caltrans &
the FHWA later.
4. I have severe questions on the ridership projections. A
similar study projected less than 10% of your 4.2 million.
Thank you for your participation!
- Comments are not limited to this form; feel free to submit your comments on
additional paper if necessary.
especially as it conflicts with the IBI study of ridership



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 7-26-2006
 Name LAWRENCE E. DALE
 Address 941 SANTA DR
BOSTON, CA 92311
 Telephone 760-252-5800
 E-mail LDALE@BOSTONCA.ORG

Mail your comments to:

CirclePoint
 Attn: Mary Bean
 455 Capitol Mall
 Suite 305
 Sacramento, CA 95814

Public comment period will be open until August 15, 2006

Comment: _____

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



**BARSTOW PUBLIC SCOPING HEARING
JULY 26, 2006**

My name is Lawrence E. Dale, Mayor of the City of Barstow,
California.

Mr./Ms. Chair, I am pleased to have the opportunity to testify here today and I will talk in particular to three issues which concern me.

Number 1 is the issue of the hearing time for Barstow – I would note that both Las Vegas and Victorville have their hearings set to receive public comment at more appropriate times, which allows for better participation of the public – that being from 5:00 p.m. in the evening until 8:00 p.m. – while Barstow’s hearing is set at mid-day while people who may be interested in testifying are working and unavailable – leaving the appearance at least this may be just a courtesy meeting to appease Barstow.

Second – Barstow is a rail center in the High Desert and this train’s obvious use is to transport visitors/gamblers from Southern California to Las Vegas. This train, without a stop in Barstow, works against a vital



economic issue for our City – that of a destination resort and casino in our Lenwood area.

Studies today show 55 to 60 million cars a day pass by Barstow going either to Las Vegas or Needles/Laughlin or to the Colorado River, affording a stop in Barstow either for good food or, in the future, gambling at our casinos. This train, without a stop in Barstow, will have a negative impact on our City's economy. A five or ten minute stop in Barstow would not have a great impact on the estimated travel time of this train's service.

Third, I am extremely disappointed with the fact that we continue to discuss high speed rail (steel on steel) as I believe we must move ahead into the future with the new concept available, which is Maglev. Maglev is a proven concept and will without a doubt move us into the future.

Maglev offers many opportunities – first environmentally with reduction of diesel emissions as well as noise levels, and provides



speeds unattainable by conventional steel-on-steel rail service, to just name a few.

The California Nevada Maglev Project which goes from Las Vegas to Anaheim, California is a futuristic project and has been on the drawing board for some time. Mayor Rothchild of Victorville and I are on the committee involved with Maglev and have looked at right-of-way alignment for our various cities.

I must say that in discussions with our staff at Barstow – there is no one with any knowledge of a high speed train going through Barstow prior to seeing the notice of a scoping hearing, and this concerns me greatly. Does this committee now own the existing right-of-way or are you saying that Barstow has no say as to what goes on in our community?

In closing, I will say a scoping hearing notification is not the place for Barstow to receive its first information regarding such a negative impact to our City.



Thank you for the time and opportunity to raise these very vital issues affecting Barstow's future.

I am available for any questions.

Lawrence E. Dale



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 7/27/2007

Name CLIFFORD BROCK

Address 2700 BARSTOW ROAD
BARSTOW, CA 92311

Telephone 760.252.6710

E-mail cbrock@BARSTOW.EDU

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment: The heart of railroading is in Barstow.

BARSTOW is slated to grow six fold in the next 15
years. With I40, I15 and 58, Barstow is the
ideal location for the kick off station for a train
to Las Vegas (and to bring Las Vegas residents
to the proposed Smithsonian Annex to be
located at Barstow Community College).
I urge consideration of Barstow as the
station site for this rail project.

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date _____

Name _____

Address _____

Telephone _____

E-mail _____

Mail your comments to:

CirclePoint

Attn: Mary Bean

455 Capitol Mall

Suite 305

Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment: _____

Would be nice if the

people would wear badges,

so we know who is

there to answer questions

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 7/28/06
 Name Mr. & Mrs. Howard William
 Address 26595 Community Bl.
Barstow, CA. 92311
 Telephone 760-253-5265
 E-mail cell # 760-964-4283

Mail your comments to:

CirclePoint
 Attn: Mary Bean
 455 Capitol Mall
 Suite 305
 Sacramento, CA 95814

Public comment period will be open
 until August 15, 2006

Comment: Concerning our residents at 26595 Community Bl
Barstow, CA. 92311 Parcel # 49707120. Considering the possibility
of the High Speed "Trains" less than 100 ft from our
front door. We've lived here for 31 years. We moved
here because it was out of the way and quite quiet.
We finally got a new 3000 sq. ft Shop, and a new
House finished. and the place like we've always dreamed
of having. Now your going to come in and ruin it all
including the value of our property. So we can't sell
out and start over. No-one wants to live next to a
100 ft. from High Speed Trains. So you can expect a battle
from us. we would appreciate your researching this situation

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.

Regards, Howard & April
 William



Federal Railroad Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 7-31-06

Name STEVE BARWICK

Address 909 Armory Rd #411
BARSTOW CA 92311

Telephone 760 253 9292

E-mail STEVE BARWICK @ MYWAY.COM

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment:

please add me to your mailing list

for upcoming meetings, or newsletters

or other info on the DesertXpress topic

Thanks

Steve Barwick

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 8-1-06

Name Joan Crarry

Address 36398 Soapmine Rd
Barstow, Ca. 92311

Telephone _____

E-mail _____

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment: I am apposed to the proposed "High Speed
Train" because of the proximity to our home, the
noise it will generate and possible decrease
in our property value.

We were at the scoping meeting in Barstow
and listened carefully to everyones comments.

I did not hear any positive points &
heard many from our standpoint which
are negative. Also, after speaking to many
of our neighbors, who were never notified
about the meeting, I found no one who
would support your venture.

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date August 7, 2006

Name Walter F. Forrester

Address 2100 Soap Mine Road, Space #46
Barstow, CA, 92311

Telephone No reply necessary....

E-mail _____

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment: Since I am not that well informed concerning the "EIR",

I can't offer any particular opinion on the subject, but from

what little I've read about it, it seems like a good idea...

we could certainly use such a facility in the High Desert, but
there are so many variables involved in such a large project
that I can't really offer any specific suggestions.

Therefore, I gladly "yield the floor" to better-informed indi-
viduals, and offer my full "moral support", for whatever that's
worth!

Carry on, and good luck!

P.S.: Sorry...I seem to have misplaced your return-envelope!

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date Aug 8, '06

Name Southern NV Group

Address of the Sierra Club

PO Box 19777

LV NV 89132

Telephone _____

E-mail jane.feldman@earthlink.net

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment: lta attached.

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



**SIERRA
CLUB**
FOUNDED 1892

August 08, 2006

Southern Nevada Group PO Box 19777 Las Vegas NV 89132

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Re: EIS scoping for the DesertXpress High Speed Train

Dear Ms. Bean,

My intention is that these comments are sent to you as formal comments for the Federal Railroad Administration (FRA)'s EIS.

I have some confusion about the address and office to whom I am sending these comments. At the public meeting in Las Vegas at the end of July, I received literature that listed your name and address, but it also listed an alternate address to the FRA, the lead agency in the EIS. The FRA address was in Washington DC, and I understand that for security reasons hard copy mail to Washington DC is discouraged. However, your address does not indicate that you are an agent of the FRA.

The Sierra Club is enthusiastic about rail connections between cities. Locally we are well aware of the hazards of the heavy traffic on I-15 between Las Vegas and all points south. There is a huge demand for mobility in this corridor. It is important to meet that demand in fuel-efficient ways that are sensitive to the land and the natural resources of the specific area.

In scoping the environmental study, we want to mention three areas in particular that need to be looked at closely:

- Regional transportation and urban planning in both NV and CA, with careful consideration of the siting of the Las Vegas passenger stations
- the white-margined beardtongue in the Ivanpah-Roach Lake area, and
- the large scale translocation site (LSTS) for tortoises near Goodsprings and perhaps also in southern California.

Regional transportation and urban planning in both NV and CA, with careful consideration of the siting of the Las Vegas passenger stations.

Of course regional planning is critical to a rail project. A rail project is expensive; it requires a large passenger market; it has a long life. In many ways a rail project sets the baseline for all other transportation and urban planning in the region.

I was happy to hear that you are already coordinating closely with the Regional Transportation Commission (RTC) of Southern Nevada. I would expect that the same is true for your coordination with the transportation planning authorities in CA.

There is also a Regional Planning Commission (RPC) in Clark County. The RPC does not have as detailed a responsibility as does the RTC, but it does serve a function to tie together the decision making of the cities and the county. If you have not already done so, it might be helpful for you to be in contact with them.

You also seem to have an appreciation for the fact the passenger stations will have to connect people easily and economically into a variety of good transportation options. I was happy to see that the three alternative sites for the Las Vegas passenger terminal are well within the urban area - at I-215, at the center of the Strip, and Downtown. Working closely with RTC planning, one of these three locations should be able to provide an optimal location for good connections to the regional transportation system, much of which is still in the planning stages.

I was glad to note that a high-speed rail will have no-stops between Victorville and Las Vegas. Any stops would create demand for services and would spur urban sprawl along the right of way. The site of the passenger stations in both Las Vegas and Victorville will be critical in setting patterns of not just transportation development but also of urban development. The site of the passenger terminal will have to be selected very carefully.

The white-margined beardtongue in the Ivanpah-Roach Lake area

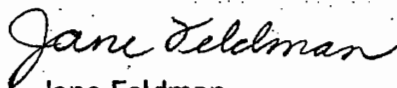
The white-margined beardtongue is a penstemon that is protected by the Clark County Multiple Species Habitat Conservation Plan. This plant occurs in small numbers in limited communities in the southern parts of Clark County and Arizona. It grows specifically in aeolian soils.

There are white-margined beardtongue in the Roach Lake area near the I-15 corridor. The wind directions are complex in this area and the source of the wind-blown soils are not known. Before any activity occurs or any permanent infrastructure is built along the I-15 right of way, it would first have to be determined how to protect these plants and the soils they depend on.

LSTS(s) for tortoises

Desert tortoises are protected under the Endangered Species Act. There is a large area of BLM land along the west side of I-15, south of the Goodsprings Road, that has been used for 15 years to translocate desert tortoises out of harms way. Any activity or infrastructure on the west side of I-15 needs to be particularly careful of the tortoises and the habitat within the LSTS. I understand that there are discussions underway that might create a similar translocation site in California for this endangered species.

I look forward to hearing more about this exciting project.



Jane Feldman
Conservation Chair



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date AUG. 9TH 2006

Name SAMUEL G. MAURO

Address 704 PRINCIPLE POINT AVE
HENDERSON, NV, 89012

Telephone 702-564-5939

E-mail SGMAURO@COX.NET

Mail your comments to:

CirclePoint
Attn: Mary Bean
455 Capitol Mall
Suite 305
Sacramento, CA 95814

Public comment period will be open
until August 15, 2006

Comment: I FULLY SUPPORT THIS HIGH SPEED TRAIN

AND MASS TRANSPORTATION IN GENERAL. IT MAKES

SENSE AS A PEOPLE MOVER, PLUS IT IS IN THE LONG RUN

MORE ENVIRONMENTALLY FRIENDLY

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date 8-9-06
 Name FRANK B. LOCKWOOD, SR.
 Address 900 G, DESERT INN RD #222
LAS VEGAS, NV 89169
 Telephone (702) 792-6894
 E-mail FRANKMCPD@KATHLEEN.NET

Mail your comments to:

CirclePoint
 Attn: Mary Bean
 455 Capitol Mall
 Suite 305
 Sacramento, CA 95814

Public comment period will be open until August 15, 2006

Comment: IT APPEARS MORE LOGICAL JUST TO BRING BACK
AMTRAK SERVICE TO LAS VEGAS. THERE IS NO PROVEN
NEED FOR A HIGH SPEED TRAIN.

Frank B. Lockwood, Sr.

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.



Bruce Aguilera, Chairman
Ken Kevorkian, Vice Chairman

Nevada

James Bilbray
Larry Brown
MaryKaye Cashman

Jeffrey Fontaine

Chip Maxfield

Danny Thompson

Dina Titus

California

Sarah L. Catz

Angie Papadakis

Curt Pringle

Mike Rothschild

Nell Soto

Joe Stein

Alan D. Wapner

August 14, 2006

VIA FEDERAL EXPRESS

Federal Railroad Administration
Attn: David Valenstein
1120 Vermont Avenue NW (Mail Stop 20)
Washington, DC 20005

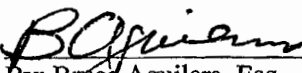
**Re: Comments to Notice of Intent to Prepare an EIS
(DesertXpress High-Speed Train Project)**

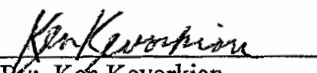
Dear Mr. Valenstein:

The California-Nevada Super Speed Train Commission, a Nevada State Agency created in 1988 pursuant to NRS 705.4291 et. seq., is pleased to submit the attached comments to the Federal Railroad Administration, the sole lead agency, as directed in the "Notice of Intent to Prepare an Environmental Impact Statement" published in the *Federal Register* on July 14, 2006 at pages 4176-4178 in connection with what is described therein as the proposed construction and operation of "a privately financed steel-wheel-on-steel-rail high-speed train" with proposed stations in Victorville, California and Las Vegas, Nevada "along a 200-mile corridor, within or adjacent to the I-15 freeway for about 170 miles and adjacent to existing railroad lines for about 30 miles." The Notice of Intent indicates that comments should be directed to your attention as the FRA's Environmental Program Manager for this project.

Thank you for your courtesy and cooperation, and please feel free to contact either the undersigned or the Commission's Executive Director, Richann Johnson, by telephone at (702) 229-6551 or by e-mail at rjohnson@lasvegasnevada.gov.

Very Truly Yours
California-Nevada Super Speed Train Commission


By: Bruce Aguilera, Esq.
Its: Chairman


By: Ken Kevorkian
Its: Vice Chairman

BA: jk

Enclosures

CC: Ken Kevorkian (Vice Chairman: CNSSTC)
CC: Richann Johnson (Executive Director: CNSSTC)
CC: M. Neil Cummings, Esq. (American Magline Group)

Richann Johnson
Executive Assistant
Commission Office
400 Stewart Avenue
Las Vegas, Nevada 89101
Voice (702) 229-6551
Fax (702) 385-3128
Email rjohnson@lasvegasnevada.gov

**COMMENTS DELIVERED TO
THE FEDERAL RAILROAD ADMINISTRATION
BY THE CALIFORNIA-NEVADA SUPER SPEED TRAIN COMMISSION
IN CONNECTION WITH
THE "DESERTXPRESS" STEEL WHEEL ON RAIL I-15 PROJECT**

The following comments are directed to the Federal Railroad Administration (FRA), as the sole lead agency (federal or state) identified in the "Notice of Intent to Prepare an Environmental Impact Statement" published in the *Federal Register* on July 14, 2006 at pages 40176-40178 ("NOI") in connection with what is described therein as the proposed construction and operation of "a privately financed steel-wheel-on-steel-rail high-speed train, including a proposed station in Victorville and a station in Las Vegas and a maintenance facility in Victorville, along a 200 mile corridor within or adjacent to the I-15 Freeway for about 170 miles and adjacent to existing railroad lines for about 30 miles", described in the NOI as the DesertXpress High-Speed Train Project ("Steel Wheel Project"). It is also noted for purposes of these comments that the technology to be utilized in connection with the Steel Wheel Project has been identified by the FRA at public scoping meetings in July 2006 as a diesel-powered train with a maximum operating speed of 125 mph.

Comments, in accordance with the Notice of Intent published on July 14, 2006, are directed as follows:

Mr. David Valenstein
Environmental Program Manager
Office of Railroad Development
Federal Railroad Administration
1120 Vermont Avenue (Mail Stop 20)
Washington DC 20590

As used in these questions, the term "legal basis" is defined to mean all statutory, regulatory or case law authority, and "factual basis" is defined to mean all relevant factual circumstances or events.

1. Please describe the legal basis and factual basis which support the FRA's decision not to identify the Nevada Department of Transportation ("NDOT") and/or the California Department of Transportation ("Caltrans") as lead state agencies, or cooperating agencies in the "Notice of Intent" ("NOI") and not to include them as lead or cooperating agencies in the preparation of the EIS for the Steel Wheel Project.
2. Please state the legal basis, and factual basis for the FRA commencing and publishing a NOI under federal environmental laws known as the National Environmental Policy Act of 1969 ("NEPA") for the Steel Wheel Project, without a state agency serving as either a lead or cooperating agency. If it is the FRA's contention that neither NDOT nor Caltrans need be a lead or cooperating state agency to complete an EIS under NEPA for the Steel Wheel Project, please set forth the legal basis and factual basis for that contention, and if this is not the FRA's contention, why has the FRA not included NDOT or Caltrans as a lead or cooperating state agency?

3. Is it the position or opinion of the FRA and/or the STB that written certifications, approvals or permits need not be obtained from the State of California under the California environmental laws known as the California Environmental Quality Act ("CEQA") as a condition of the FRA conducting an EIS, approving a draft and final EIS, and/or publishing a "Record of Decision" in connection with the Steel Wheel Project? If so, what is the legal basis and factual basis for this position? If not, please explain why the NOI makes no mention of CEQA.
4. Please explain the legal basis and factual basis for the FRA not requiring that the Steel Wheel Project enter into a Memorandum of Understanding (MOU) among and between all lead and cooperating federal and state agencies, prior to the publication of the NOI for the Steel Wheel Project, whereas the FRA did require, in 2003, that an MOU be entered into by, among and between all lead and cooperating federal and state agencies as a condition of publishing an NOI for the 300 mph high-speed maglev train technology project sponsored by the California-Nevada Super Speed Train Commission ("CNSSTC"), a Nevada State Agency ("Maglev Project"), to operate in the same I-15 highway corridor as the Steel Wheel Project.
5. Please describe the legal basis and factual basis for the FRA requiring that the Maglev Project sponsored by the California-Nevada Super Speed Train Commission ("CNSSTC") obtain the consent, approval and agreement of NDOT to serve as the lead state agency in connection with the ongoing Programmatic Environmental Impact Statement and Environmental Impact Statement ("PEIS/EIS") commenced with the publication of a Notice of Intent in the Federal Register on May 20, 2004, whereas the FRA did not require that the Steel Wheel Project obtain the consent, approval or agreement of NDOT to serve as the lead state agency in connection with the EIS for the Steel Wheel Project.
6. Please explain the legal basis and factual basis for the FRA's refusal to grant the CNSSTC's request to serve as the lead state agency in connection with the PEIS/EIS for the Maglev Project, (even though the CNSSTC is a state agency created by the State of Nevada in 1988 for the express purpose of planning and issuing a franchise for the construction of a high-speed train system to operate between Las Vegas, NV and Anaheim, CA utilizing the same I-15 right-of-way being requested by the Steel Wheel project to operate between Las Vegas, NV and Victorville, CA), whereas the FRA did not require any lead state agency in connection with the EIS for the Steel Wheel Project. Why did the FRA require that only a state agency with statewide jurisdiction (i.e. NDOT) could serve as the lead state agency for the Maglev Project, whereas the FRA allowed the Steel Wheel Project NOI to be published without a state agency serving as either a lead or cooperating state agency?
7. Please describe the legal basis and factual basis for the FRA requiring that the NOI for the Maglev Project could not be published, nor the PEIS/EIS commenced, until the consent, approval and agreement of Caltrans was obtained to serve as a cooperating agency on behalf of the State of California. Why has the FRA not imposed the same requirement on the Steel Wheel Project? Please explain.
8. Please describe the legal basis and factual basis for the FRA requiring that the PEIS/EIS for the Maglev Project consider alternatives which include "other viable transportation

alternatives” (see NOI published on May 20, 2004), whereas the FRA has not required the Steel Wheel Project to consider “other viable transportation alternatives?” Why is the FRA, in the NOI for the Steel Wheel Project, requiring an alternatives analysis which only includes the “No-Build Alternative” versus constructing the Steel Wheel Project? Why is the FRA not requiring the Steel Wheel Project to also consider the Maglev Project as one of the transportation alternatives in the EIS being prepared for the Steel Wheel Project? What is the legal basis and factual basis for the FRA’s decision in this regard? Please explain.

9. What is the basis for the FRA stating in the Steel Wheel Project NOI that “ridership is estimated to be 4.1 million roundtrips in the first full year of service?” Are ridership projections customarily included in NOI’s published by the FRA in connection with the commencement of EIS’s? Why did the FRA do so in this case? Before publishing this statement in the NOI did the FRA give consideration to, or consider that the Clark County Regional Transportation Commission, the MPO for Clark County, NV, had published a draft study indicating that upgraded, high-speed service on the existing Amtrak lines would generate ridership of only 119,000 annually by the year 2010 between Riverside, CA and Las Vegas, with revenue covering only 17.9% of the annual cost of operation and maintenance of a high-speed steel-wheel-on-rail system? Does the FRA intend to require a peer review analysis and/or investment grade ridership projections in the context of the EIS for the Steel Wheel Project? Please explain.
10. Did the FRA investigate or determine whether the Cities of Las Vegas or Barstow had agreed to have a station located in their cities before publication of the NOI for the Steel Wheel Project? If not, why not? Please explain.
11. The NOI for the Steel Wheel Project specifically states that “the STB has exclusive jurisdiction, pursuant to 49 USC 10501(b), over the construction, acquisition, operation and abandonment of rail lines, railroad rates and services and railroad consolidations and mergers.” Please explain the condition, breadth and scope of this exclusive jurisdiction. Must a new railroad line be a “common carrier railroad line” and “part of the interstate rail network” to fall within the jurisdiction of the STB? Please explain. How has the STB defined and applied the terms “common carrier railroad lines” and “interstate rail network” since its inception in 1996? What are the existing examples in the United States of newly constructed railroad lines over which the STB has asserted its exclusive jurisdiction since January 1996? Please explain.
12. Is it the position or opinion of the FRA, or the STB, that the STB has exclusive jurisdiction over the Steel Wheel Project? Please explain. If not, what is the nature and extent, if any, of the jurisdiction of the STB over the Steel Wheel Project? Does this jurisdiction still exist or apply if the Steel Wheel Project does not plan to make its operations available to freight traffic? Does the Steel Wheel Project fit within the STB’s definition of “common carrier railroad lines that are part of the interstate rail network” (as described in the “General Information” materials distributed by the STB at the July 2006 public scoping meetings for the Steel Wheel Project)? Please explain. What does the STB’s “exclusive jurisdiction” mean, if anything, as applied to the Steel Wheel Project? Does the STB’s “exclusive jurisdiction” mean that the STB can insist upon the Steel Wheel Project being built in the I-15 right-of-way without obtaining the prior written consent or approval, and over the objections of the States of Nevada or California? Does

“exclusive jurisdiction” mean that no other federal, state, regional or local entity could prohibit the Steel Wheel Project from being built even if the project passes through their respective jurisdictions? Please explain the legal and factual bases for your answers.

13. Is it the FRA’s contention that the STB has the power and authority to grant the Steel Wheel Project the right-of-way necessary to build the Steel Wheel Project between Victorville and Las Vegas, in whole or in part? If not, what federal or state agencies do? Please explain. Over which portions of this Steel Wheel Project does the STB allegedly have the power to grant right-of-way to the private party intending to build this project?
14. Which federal and state agencies or authorities have the power and jurisdiction to grant the right-of-way necessary to construct the Steel Wheel Project in the I-15 freeway corridor? Please explain. Is the answer any different for the Maglev Project? Please explain
15. Can the FRA, the STB or some other federal agency grant right-of-way to construct the Steel Wheel Project without the written consent or approval of the City of Barstow, Southern California Associated Governments (SCAG) and/or the State of California? Please explain the legal basis and factual basis for your answer.
16. Can the FRA, the STB or some other federal agency grant right-of-way to construct the Steel Wheel Project without the written consent or approval of the City of Las Vegas, Clark County Regional Transportation Commission (RTC) and/or the State of Nevada? Please explain the legal basis and factual basis for your answer.
17. Can the FRA, the STB or some other federal agency grant right-of-way to construct the Steel Wheel Project without the written consent or approval of the California High Speed Rail Authority (“CHSRA”)? Please explain the legal basis and factual basis for your answer.
18. Has the FRA been presented with facts or documents proving, to the FRA’s satisfaction, that construction of the Steel Wheel Project can in fact be completed utilizing only needed private funds (i.e. no federal, state, regional or local government or financial assistance of any kind) that are immediately available and on hand to construct the Steel Wheel Project? If so, please describe the factual and documentary evidence presented to the FRA, when and by whom. If not, what financial plan has been presented to the FRA by the Steel Wheel Project? Please explain.
19. Has the FRA been presented with facts or documents proving, to the FRA’s satisfaction, that the ridership and revenue projections of the Steel Wheel Project are sufficient to offset the anticipated operation and maintenance costs and repay the initial capital investment needed to construct the project? If so, please explain. If not, please explain.
20. Prior to publication of the NOI, did the FRA obtain the written consent or approval of NDOT or the State of Nevada in support of the Steel Wheel Project? If not, please state the legal basis and factual basis for the decision not to do so. Has NDOT or the State of Nevada now gone on record as being supportive or opposed to of the Steel Wheel Project? Please explain.

21. Prior to publication of the NOI, did the FRA obtain the written consent or approval of Caltrans or the State of California in support of the Steel Wheel Project? If not, please state the legal basis and factual basis for the decision not to do so. Has Caltrans now gone on record as being supportive of or opposed to the Steel Wheel Project? Please explain.
22. Prior to publication of the NOI, did the FRA obtain the written consent or approval of the Clark County, NV, RTC, as the Metropolitan Planning Organization (MPO) for Clark County, in support of the Steel Wheel Project? If not, please state the legal basis and factual basis for the decision not to do so. Has the RTC now gone on record as being supportive of or opposed to the Steel Wheel Project? Please explain.
23. Prior to publication of the NOI, did the FRA obtain the written consent or approval of Southern California Associated Governments (SCAG), as the MPO for the California counties through which the Steel Wheel Project will pass if constructed, in support of the Steel Wheel Project? If not, please state the legal basis and factual basis for the decision not to do so. Has SCAG now gone on record as being supportive of or opposed to the Steel Wheel Project? Please explain.
24. Prior to publication of the NOI, did the FRA obtain the written consent or approval of the City of Barstow in support of the Steel Wheel Project? If not, please state the legal basis and factual basis for the decision not to do so. Has the City of Barstow now gone on record as being supportive of or opposed to the Steel Wheel Project? Please explain.
25. Prior to publication of the NOI, did the FRA obtain the written consent or approval of the CHSRA in support of the Steel Wheel Project? If not, please state the legal basis and factual basis for the decision not to do so. Has the CHSRA now gone on record as being supportive of or opposed to the Steel Wheel Project? Please explain.
26. Prior to publication of the NOI, did the FRA obtain the written consent or approval of the CNSSTC in support of the Steel Wheel Project? If not, please state the legal basis and factual basis for the decision not to do so.
27. What is the FRA doing, or does it plan to do in the future, to make certain that the I-15 interstate or federal land right-of-way granted (if any) to the Steel Wheel Project does not conflict with or impair the right-of-way needed to construct the Maglev Project, which previously commenced its PEIS/EIS in 2004?
28. Are the FRA and STB prepared to provide assurances to the CNSSTC, State of Nevada and/or State of California that they will take the actions necessary to ensure that the necessary federally controlled right-of-way will be made available to build both the Maglev Project and the Steel Wheel Project? If so, what type of assurance is the FRA/STB prepared to give? If not, why not?
29. Is it the intention of the FRA in the context of the EIS's for the Steel Wheel Project to compare and contrast the environmental impacts of a steel-wheel-on-rail, diesel locomotive powered technology operating between Victorville, CA and Las Vegas, NV versus the environmental impacts of an electromagnetic, contact-free, emissions-free technology planned by the Maglev Project? If not, why not? If the emissions impacts of

the Maglev Project are significantly more favorable than the emissions impacts of the Steel Wheel Project, would this be a factor in the FRA's decision whether or not to approve a draft or final EIS and/or "Record of Decision" for the Steel Wheel Project? If not, why not?

30. What consideration, if any, has the FRA given to the potential negative impact of the FRA's actions in connection with the Steel Wheel Project on the franchise issued by the CNSSTC to a private entity (the American Magline Group) to build the Maglev Project in the same I-15 interstate highway corridor which the private party sponsoring the Steel Wheel Project intends to use? Was any consideration given by the FRA to the conflicting needs being created for the same right-of-way and how these conflicting needs might be satisfied? Was any consideration given by the FRA to the competition being created by the FRA's actions for the same sources of private funding? Please explain your answers.
31. What consideration, if any, has the FRA given to the negative impacts of its actions with respect to the Steel Wheel Project on the power and authority of the CNSSTC, as granted to it by Nevada state law?
32. What consideration, if any has the FRA given to the fact that the laws of the United States (specifically beginning with the Maglev Deployment Program in 1997: 23 U.S.C. Section 1307) have been relied upon by the CNSSTC and its private partner/franchisee (the AMG) in spending many thousands of hours and millions of dollars over the past 8 years on the planning necessary to design, build and operate the Maglev Project in the same I-15 highway corridor as the Steel Wheel Project intends to use, as identified in the FRA's recently published NOI? Please explain.
33. Did the State of Nevada, or any of its agencies or representatives request that the FRA prepare and publish a NOI for the Steel Wheel Project? If so, please explain.
34. Did the State of California, or any of its agencies or representatives request that the FRA prepare and publish a NOI for the Steel Wheel Project? If so, please explain.
35. Who contacted the FRA to request that an NOI be published to commence an EIS for the Steel Wheel Project? Was it a private party, and if so who? When was this request first made, and why has the NOI been published now, on July 14, 2006, rather than sooner or later? Please explain.

Leland and Gail Dance
1107 Pippin Creek Court
San Jose, CA 95120
Home: 408-268-4355

August 1, 2006

Mr. David Valenstein
Environmental Programs Manager
Office of Railroad Development
Federal Railroad Administration
1120 Vermont Avenue (Mail Stop 20)
Washington, DC 20590

RE: Proposed Desertxpress High Speed Train

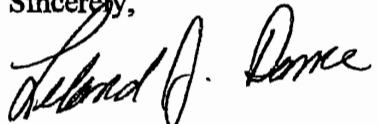
Dear Mr. Valenstein:

I am writing you on behalf of my mother, Ruth L. Smith. She asked that we follow up on the above referenced high speed train proposal. We attempted to do so at the telephone number provided on the flyer (877) 222-7520; however it was a message line without direction to seek assistance. For this reason we are sending you this written request.

My mother resides along the proposed route at Yates Well Road. She was unable to attend the meeting on July 25th but would like the opportunity to review in more detail proposals for Segment 3 and Segment 4 and provide comment. The very small map on the notice does not clearly indicate potential impact to her home or property; therefore she requests something larger to review. Should she have additional questions, she would like to be provided with a telephone number and email address for that purpose. Last. Is there an internet site that might provide more detail?

Thank you in advance for your attention to this matter.

Sincerely,



Leland J. Dance

C: Ruth L. Smith
Cal Neva Border
HCR #1, Box 250
Yates Well
Nipton, CA 92364



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Eastern Sierra - Inland Deserts Region (ESIDR)
407 West Line Street
Bishop, CA 93514
(760) 872-1171



August 11, 2006

Mr. Scott Steinwert
Desert Xpress
c/o CirclePoint
135 Main Street, Suite 1600
San Francisco, CA 94105

Subject: Notice of Preparation of the Draft Environmental Impact Report for a High Speed Passenger Train extending for Victorville, CA to Las Vegas, Nevada SCH # 2006074002

Dear Mr. Seinwert:

The Department of Fish and Game (Department) has reviewed the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the High Speed Passenger Train (Desert Xpress) extending from Victorville, California to La Vegas, Nevada. The Notice of Preparation cover letter supplied by the State of California's State Clearinghouse states that a draft Environmental Impact Report (EIR) is being prepared but the attached information states that a Draft Environmental Impact Statement (EIS) is what will be prepared. The Department would like to know if both documents will be prepared for this project. The following comments or being formulated to describe what the Department would need to evaluate an EIR. The comments could also be used to incorporate environmental concerns in the EIS where appropriate.

The Department is providing comments on this NOP as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

A few of the alignments and the station proposed in Victorville identified within the NOP could have adverse impacts to the desert tortoise, streambeds and other State listed species. Species specific surveys should be performed to determine the exact impact

the development of this project would have on the habitat directly or indirectly. The Department is concerned with the impacts this proposed project would have on the species in the area, especially desert tortoise.

In order for Department staff too adequately review and comment on the proposed project the following information should be included in the DEIR and/or DEIS:

1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened and sensitive species and sensitive habitats.
 - a. If appropriate habitat for any listed species occurs on the site, including surface waters potentially containing any fish species, have qualified biologist conduct focused surveys according USFWS and /or Department protocols (guidelines).
 - b. Have a qualified botanist conduct a focused rare plant survey during the appropriate time of year following UFWS and/or Department protocols.
 - c. Have a qualified biologist conduct focused surveys for burrowing owl following the 1993 Burrowing Owl Consortium protocol guidelines. Survey guidelines can be obtained for the Department. The mitigation measures presented in the guidelines should be included in the DEIR and/or DEIS.
 - d. If any listed species will potentially be impacted by the proposed project, consultation with the Department and the USFWS will be required to establish appropriate avoidance, minimization and mitigation measures. An Incidental Take Permit may be required by the Department pursuant to Fish and Game Code Section 2080 *et. seq.*
 - e. The Department requests that impacts to State and Federally-listed species and potential avoidance, alternative and mitigation measures be addressed in the CEQA document and not solely in subsequent negotiations between the applicant and the agencies.

2. A through discussion of direct, indirect and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts.
 - a. CEQA Guidelines, 15125(a), state that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts should be analyzed relative to their effects on off-site habitats. Specifically, this should include nearby public lands, open space, adjacent natural habitats and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided. This includes impacts to wildlife from increased raven populations.

- 1) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - 2) A cumulative effects analysis should be developed as described under CEQA Guidelines, 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives, which avoid or otherwise minimize impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity, where appropriate.
- a. Mitigation measures for project impacts to sensitive plants, animals and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat elsewhere should be addressed.
 - b. The Department considers Rare Natural Communities as threatened habitats having regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts.
 - c. A California Endangered Species Act (CESA) Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as substantial modification to the proposed project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, requires that the Department issue a separate CEQA document for the issuance of a CESA permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the following information is requested:
 - 1) Biological mitigation monitoring and reporting proposals and a raven control plan should be of sufficient detail and resolution to satisfy the requirements of a CESA Permit. The Department recommends early consultation with the Department to discuss appropriate measures to avoid, minimize, and/or compensate for

impacts.

- 2) A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.

4. Under Section 1600 *et. seq* of the Fish and Game Code, the Department requires the project applicant to notify the Department of any activity that will divert, obstruct or change the natural flow of the bed, channel or bank (which includes associated riparian habitat) or a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams and watercourses with subsurface flow. The Department, as a responsible agency under CEQA, may consider the local jurisdiction's (Lead Agency) Negative Declaration of EIR for the project. However, if the EIR does not fully identify potential impacts to lakes, streams and associated resources (including, but not limited to, riparian and alluvial fan sage scrub habitat) and provide adequate avoidance, mitigation, monitoring and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a lake or stream, as well as avoidance and mitigation measures need to be discussed within this CEQA document. The Department recommends the following measures to avoid subsequent CEQA documentation and project delays:

- a. Incorporate all information regarding impacts to lakes, streams and associated habitat within the DEIR. Information that needs to be included within the document includes: (a) a delineation of lakes, streams and associated habitat that will be directly or indirectly impacted by the proposed project; (b) details on the biological resources (flora and fauna) associated with the lakes and/or streams; (c) identification of the presence or absence of sensitive plants, animals or natural communities; (d) a discussion of environmental alternatives; (e) a discussion of avoidance measures to reduce project impacts; and (f) a discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. The applicant and lead agency should keep in mind that the State also has a policy of no net loss of wetlands.

5. The Department recommends that the project applicant and/or lead agency consult with the Department to discuss potential project impacts, avoidance and mitigation measures. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

In conclusion, the requested biological survey information should be submitted to Ms. Tonya Moore, 12550 Jacaranda Avenue, Victorville, CA 92395, for review in order to adequately determine the potential impacts of the project. Questions regarding this letter and further coordination on these issues should be directed to me at (760) 955-8139.

Sincerely,

A handwritten signature in black ink that reads "Tonya Moore". The signature is written in a cursive style with a large initial "T" and "M".

Tonya Moore
Environmental Scientist

cc: Ms. Denyse Racine, DFG
State Clearinghouse



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
*Secretary for Environmental
Protection*

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

August 14, 2006

File: San Bernardino County

Mr. Scott Steinwert
DesertXpress
c/o Circle Point
135 Main Street, Suite 1600
San Francisco, CA 94105
FAX (415) 227-1110

COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) TO INVOLVE CONSTRUCTION OF A FULLY-GRADE SEPARATED, DEDICATED DOUBLE TRACK PASSENGER-ONLY RAILROAD ALONG AN APPROXIMATELY 200-MILE CORRIDOR, FROM VICTORVILLE, CALIFORNIA TO LAS VEGAS, NEVADA, AND THE CONSTRUCTION OF A PASSENGER STATION, WITH A MAINTENANCE, STORAGE AND OPERATIONS FACILITY IN VICTORVILLE AND ONE PASSENGER STATION IN LAS VEGAS

California Regional Water Quality Control Board (Water Board) has reviewed the Notice of Preparation (NOP) dated July 14, 2006 for the above-referenced Project proposed by the Federal Railroad Administration.

Project Description

The Federal Railroad Administration is proposing a project to construct and operate a privately financed interstate high-speed passenger train, with a proposed station in Victorville, California, and a station in Las Vegas, Nevada, along a 200-mile corridor, within or adjacent to the I-15 freeway for about 170 miles and adjacent to existing railroad lines for about 30 miles. The need for the project is directly related to the rapid increase in travel demand between Southern California and Las Vegas, coupled with the growth in population in the areas surrounding Victorville, Barstow, Primm, and Las Vegas, which has resulted in substantial congestion along the I-15 freeway between Victorville and Las Vegas. The project would involve construction of a fully-grade separated, dedicated double track passenger-only railroad along an approximately 200-mile corridor, from Victorville, California to Las Vegas, Nevada. The project would include the construction of a passenger station, as well as maintenance, storage and operations facility in Victorville and one passenger station in Las Vegas.

The proposed Victorville Station would be located along the west side of I-15 between the two existing Stoddard Wells interchanges. The facilities directly associated with the

California Environmental Protection Agency

Mr. Steinwert

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August 14, 2006

Victorville Station would occupy about 60 acres of land, and would have a parking capacity for up to 10,000 automobiles. The Maintenance, Storage and Operations facility is proposed to be located in the City of Victorville on a site that lies within the Victorville Valley Economic Development Area. The facility would require approximately 50 acres and would include a fueling station, train washing facility, repair shop, parts storage, and operations center.

The NOP does not state whether there is potential for impacts to hydrology and water quality, or to utilities and service systems. All potential environmental impacts will need to be analyzed, examined, and quantified further in the Environmental Impact Statement (EIS).

The NOP does not state when development will ultimately occur.

General Comments

The mitigation measures identified in the EIS should be very specific in nature and should have adequate detail. All mitigation measures required for the project should be specifically described in the EIS. It is not sufficient to state that mitigation will be accomplished through permits acquired and that appropriate governmental agencies will be notified. Additionally, please be sure that the EIS completely evaluates the potential cumulative impacts of the project considering other existing and potential projects.

The EIS needs to provide information on hydrology and water quality with regard to interference with groundwater recharge, alteration of existing drainage patterns of the area in a manner which would result in substantial erosion or siltation on- or off-site or result in flooding on- or off-site, or provide substantial additional sources of polluted runoff, or otherwise substantially degrade surface or ground water quantity or quality.

The EIS needs to provide information on how changes that may occur as part of the proposed land uses will impact hydrology and water quality with regard to changes in groundwater recharge, due to creation of impervious surface and alteration of existing drainage patterns. Impacts that should be evaluated include changes in surface water flow that could cause erosion or siltation on- or off-site or result in flooding on- or off-site, or provide substantial additional sources of polluted runoff, or otherwise substantially degrade surface or ground water quantity or quality.

The Regional Board has adopted a Water Quality Control Plan for the Lahontan Region (Basin Plan), which contains prohibitions, water quality standards, and policies for implementation of standards. The Basin Plan is available on line at the Regional Board's Internet site at <http://www.swrcb.ca.gov/rwqcb6/>. Please cite and discuss applicable portions of the Basin Plan in the EIS. The Federal Railroad Administration will need to comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.

Mr. Steinwert

- 3 -

August 14, 2006

The Project will need to specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and less pollution routed receiving waters. Principles of LID include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
- Reducing the impervious cover created by development and the associated transportation network, and
- Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and could benefit energy conservation, air quality, open space, and habitat. Many planning tools exist to implement the above principles, and a number of recent reports and manuals provide specific guidance regarding LID.

Please consider using vegetated areas for stormwater management and infiltration on-site, which may enhance the aesthetics of the property. These principles can be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible. Minimum-disturbance activities (such as preservation of vegetation and grade) are preferable to more structural (hard scape) control measures because they protect and preserve the natural drainage system. Natural drainage, including the use of vegetated buffer zones, is the most effective means of filtering sediment and pollution and regulating the volume of runoff from land surfaces to adjacent streams, including washes. In addition, preservation and minimum-disturbance activities may be more cost effective than revegetation practices or structural controls, especially long-term.

Please consider designs that minimize impervious surface, such as permeable surface shoulders, directing runoff onto vegetated areas, and infiltrating runoff as close to the source as possible.

Please identify short-term (construction) vs. long-term (post-construction) implementation of Best Management Practices (BMPs), and provide appropriate mitigation and monitoring of mitigation measures.

The EIS needs to evaluate and provide information on utilities and service systems with regard to wastewater treatment requirements, construction of new water or wastewater treatment facilities or expansion of existing facilities, construction of new stormwater drainage facilities, and a determination by the wastewater treatment provider that

Mr. Steinwert

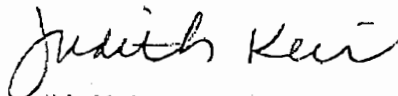
- 4 -

August 14, 2006

serves or may serve the project that it has adequate capacity to serve the project's expected demand in addition to the provider's existing commitments.

Thank you for the opportunity to comment on your project. If you should have any questions regarding our above or attached comments, please contact me at (760) 241-7366 or Cindi Mitton at (760) 241-7413.

Sincerely,




Judith Keir
Environmental Scientist

cc: State Clearinghouse (#2006074002)

JMK/2006074002 DesertXpress DEIS.doc

California Environmental Protection Agency

 Recycled Paper

GNJ Limited Partnership
Gerald R. and Julianna M. Hamann

July 22, 2006

Mr. David Valenstein
Environmental Programs Manager,
Office of Railroad Development,
Federal Railroad Administration
1120 Vermont Avenue (Mail Stop 20)
Washington, DC 20590

RE: DesertXpress Proposed Segment 3:

Dear Mr. David Valenstein,

In response to your holding public scoping meetings (July 25-26) as part of the preparation of an Environmental Impact Statement (EIS) for the proposed DesertXpress high speed train project we are unable to attend due to distance from our home, but would like to offer the following input.

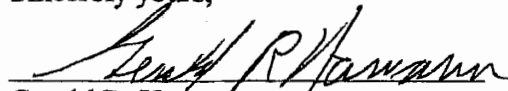
We are the property owners of undeveloped property (with utility easements) in your proposed Segment 3.
Section 34, Township 10N, Range 2 East SBB&M
Parcel # 0538-191-27 (9.28 acres)
Parcel # 0538-191-28 (4.67 acres)

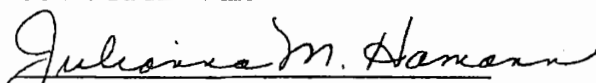
These properties lie approximately three miles northeasterly of Yermo and $\frac{3}{4}$ mile east of Minneola Road. The parcel # 28 is on the north side of I-15. The parcel # 27 is on the south side of I-15 of which a smaller portion of it is on the south side of US 466 and includes land on which the Union Pacific Railroad currently crosses our property.

We are open to any proposal, which might be of value to the DesertXpress high speed train project such as a maintenance, storage, or operations facility or other needs as deemed appropriate.

We are including a couple of maps which might more readily help identify our site. Please contact us for further information.

Sincerely yours,

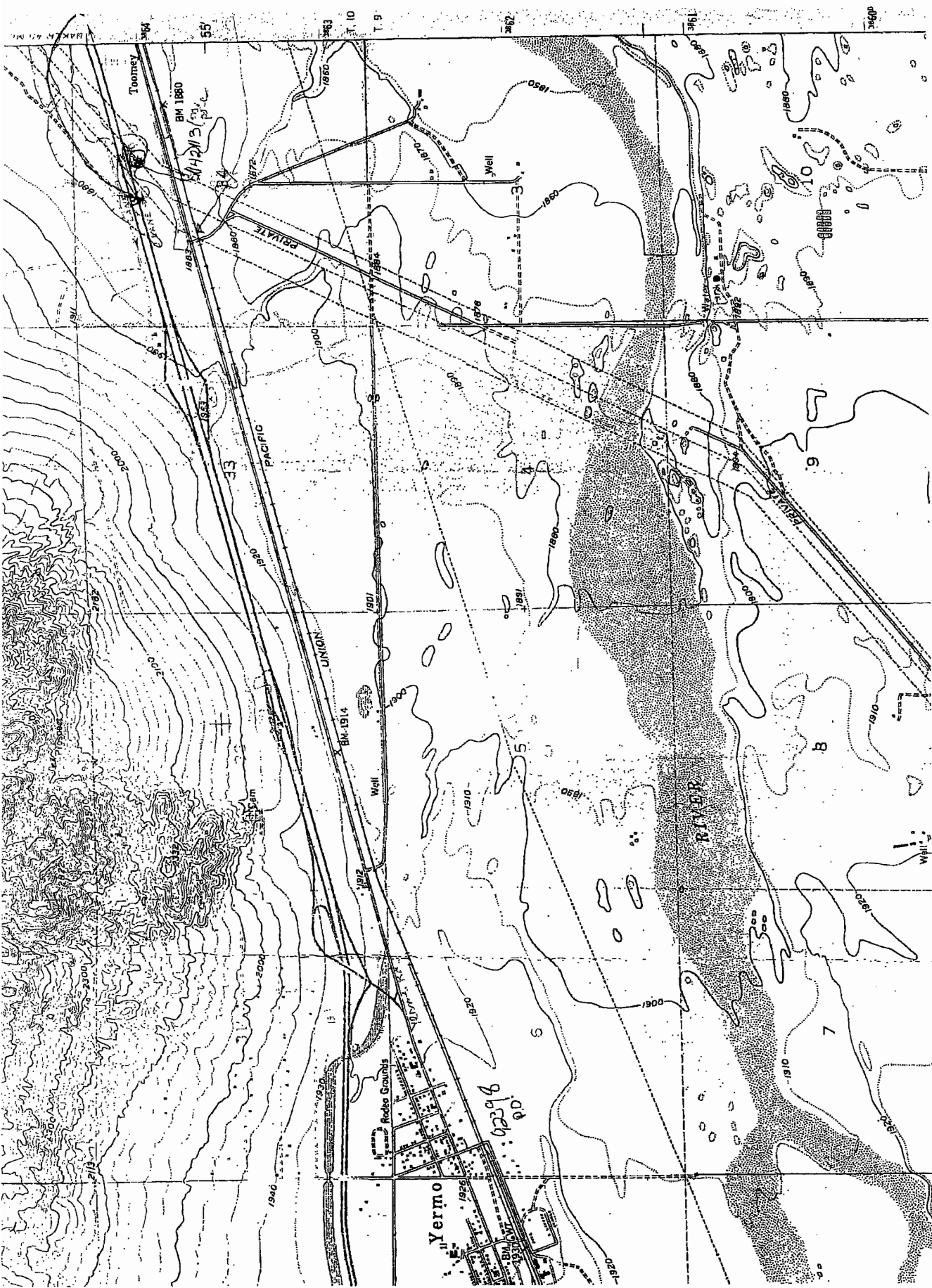

Gerald R. Hamann


Julianna M. Hamann

General Partners of Hamann Family Trust.
GNJ Limited Partnership

PO Box 2147 Alpine, CA 91903

• Home: 619/445-8231 • Fax: 619/445-1061 • e-mail : gnj@cox.net

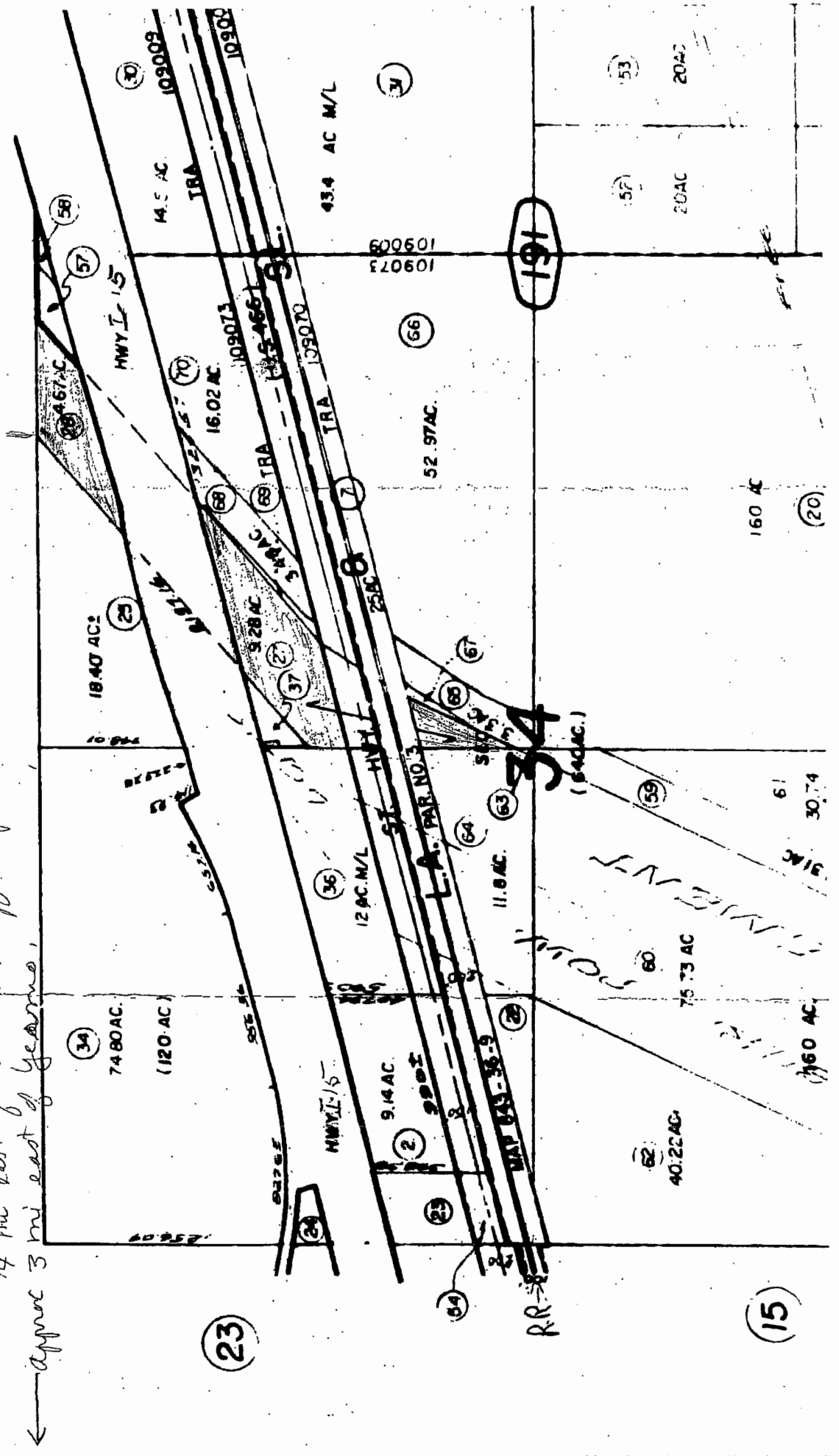


SECS 34 & 35 T.10N.,R.2E. S.B.B.M.

Handwritten initials/signature

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← 3/4 mi east of junction of Ramp
← approx 3 mi east of Yermo.



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160 AC

12 AC M/L

11.8 AC.

75.73 AC

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30.74

160 AC

160 AC

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

August 15, 2006

David Valenstein
Federal Railroad Administration
1120 Vermont Avenue, NW, MS 20
Washington, D.C. 20590

Subject: Scoping Comments for the DesertXpress High Speed Train between Victorville, California (San Bernardino County) and Las Vegas, Nevada (Clark County)

Dear Mr. Valenstein:

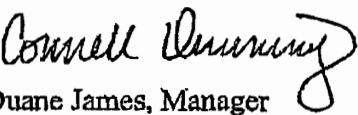
The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on July 14, 2006, requesting comments on the Federal Railroad Administration (FRA) and DesertXpress Enterprises, LLC (DesertXpress Enterprises) decision to prepare a Draft Environmental Impact Statement (DEIS) for the DesertXpress High Speed Train between Victorville, California and Las Vegas, Nevada. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The proposal is to construct a new 200-mile passenger railroad line following the Interstate 15 (I-15) corridor between Victorville, California and Las Vegas, Nevada. The project is a privately financed, steel-wheel-on steel-rail high speed train, with proposed stations in Victorville and in Las Vegas. A maintenance, storage, and operations facility is also proposed in Victorville. EPA supports the concept of a high speed train system between Southern California and Nevada that can facilitate the movement of people, while minimizing environmental impacts. EPA's concerns, as described in the enclosed detailed comments, include recommendations to address the project's interrelationship with other high speed rail projects. EPA also recommends providing information in the DEIS that supports the project's viability as a privately financed venture and justification of Victorville as the Southern California hub. EPA comments also address (1) land use and transportation linkage, (2) air quality, (3) water and biological resources, (4) indirect and cumulative impacts, (5) tunnel construction, and (6) environmental justice.

EPA appreciates the opportunity to comment on the preparation of the DEIS and looks forward to continued participation in this process as more information becomes available. If you

have any questions, please feel free to contact me at (415) 972-3988, or Susan Sturges, the lead reviewer for this project. Susan can be reached at Sturges.Susan@epa.gov or (415) 947-4188.

Sincerely,

for 
Duane James, Manager
Environmental Review Office

Enclosures: EPA's Scoping Comments

Relationship to Proposed High Speed Rail Projects

In May 2004, a Notice of Intent (NOI) was published to develop a Programmatic Environmental Impact Statement (PEIS) for the California-Nevada Interstate High Speed Rail Corridor between Las Vegas, Nevada and Anaheim, California utilizing magnetic levitation technology. A portion of this magnetic levitation corridor shares a similar alignment to the DesertXpress corridor between Primm and Las Vegas, Nevada. In 2000, the Southern California Association of Governments released an Environmental Assessment completed to study magnetic levitation technology to connect Los Angeles County to Riverside and San Bernardino Counties. The Federal Rail Administration (FRA) has also completed a Final PEIS for the California High Speed Train System, a 700-mile corridor connecting San Francisco and Sacramento through the Central Valley, to Los Angeles and San Diego, utilizing steel-wheel-on-steel-rail technology. The Environmental Protection Agency (EPA) recommends that the DesertXpress Draft Environmental Impact Statement (DEIS) address the interrelationship and potential overlap of the proposed alternatives and technology to these, and other high speed rail proposals, in the project area. The DEIS should identify alternatives that minimize impacts of the proposed train networks by coordinating the location of stations, parking lots, bicycle storage facilities, and additional infrastructure, where feasible.

Land Use and Transportation Linkage

The DEIS should identify all transportation improvements proposed to provide access to the proposed facility from anticipated key rider groups in Southern California and population centers surrounding Las Vegas, including transit connections, new methods to move people while reducing congestion, and increased bus service (express service, increase in service on existing routes, and new routes). The DEIS should analyze and disclose the temporary and permanent environmental impacts of constructing stations, parking facilities, maintenance and storage facilities, power propagation infrastructure, and required road developments and modifications. The DEIS should demonstrate avoidance and minimization measures to reduce environmental impacts associated with the construction of passenger stations and maintenance facilities, such as multi-level parking structures as opposed to large expansive parking lots. The DEIS should identify where proposed stations, parking facilities, and additional required infrastructure will be located in the project corridor, and should disclose the associated impacts from station development on planned and unplanned growth. EPA recommends the following:

- Describe the expected land use changes associated with station locations;
- Describe the associated environmental impacts of those land use changes, both indirect and cumulative; and
- Identify parties responsible for mitigating the environmental impacts associated with the indirect and cumulative impacts of the projected land use changes.

A substantial benefit of a proposed high speed rail corridor connecting Las Vegas to Victorville is the opportunity to provide improved transit services and to reduce vehicle miles

traveled (VMT). EPA strongly supports including project elements that will further reduce VMT. EPA recommends the following:

- Minimize the number of parking spaces to the greatest extent possible at the station in order to facilitate the use of transit;
- Coordinate with other transit providers to maximize station access by transit;
- Provide accessibility to Metrolink's San Bernardino station to enhance rider access to the proposed line for Southern California without the need to drive to Victorville;
- Design the new facilities to be pedestrian and bicycle-friendly, in addition to linking with other modes of transit; and
- Support policies that will increase density and mixed-uses in the station areas.

Purpose and Need

Logical termini justification at Victorville

The DEIS should clearly demonstrate the independent utility and logical termini of the proposed Southern California hub in Victorville as opposed to other locations west of Victorville that are closer to larger population centers and existing transit connections. If reasonably foreseeable improvements or expansions are proximate to DesertXpress, such as an expansion over the Cajon Pass into the Los Angeles basin, the DEIS should analyze future improvements in the DEIS.

Project Viability

Project viability and economic sustainability are critical to justify a project's purpose and need, particularly for a project of this magnitude which is solely privately funded. The NOI to prepare a DEIS for the DesertXpress High Speed Train approximates ridership projections of 4.1 million trips in the first full year of service (Federal Register: July 14, 2006 (Volume 71, Number 135)). The DEIS should disclose the data sources for ridership and the population and economic growth projections. Population growth affects ridership assumptions, which could affect financing and frequency of service. The NOI also states that frequency of service will range from 20 to 30 minutes for weekends to 1 to 2 hours for weekdays. The DEIS should include information to indicate that the project can finance these frequencies to support the estimated ridership.

Available project information indicates the preliminary capital cost is estimated at \$3 billion (DesertXpress Project Description Brief, undated document). The DEIS should disclose the basis for the cost assumption. Cost estimates should take into account inflation and debt financing costs, maintenance and operation costs, right of way negotiations, estimated mitigation costs, and potential project delays. The DEIS should demonstrate there are sufficient funds that can help cover any delays or cost overruns and that the fares are enough to help pay for the costs of both building and maintaining the project. If the project is not economically sustainable, then the DEIS should disclose if the project will need the funding support of the states or federal government.

Air Quality

Technologies to power the train's system have a diverse range of effects to air quality. The DEIS should describe a full range of technologies to power the train system, including an electrified system, and analyze the effects of the range of alternatives on air quality. Currently, both the California and Nevada portions of the project are designated attainment for particulate matter smaller than 2.5 microns (PM_{2.5}), and both are federally designated nonattainment for particulate matter smaller than 10 microns (PM₁₀). EPA plans to issue final revisions to the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) on September 27, 2006. Las Vegas is classified as a serious non-attainment area for carbon monoxide (CO) and is an 8-hour ozone "subpart 1" area, with a 2009 attainment deadline. The Western Mojave Desert nonattainment area for 8-hour ozone is currently classified as moderate with a 2010 attainment deadline. For nonattainment areas, the DEIS should include a CO hot spot analysis and a qualitative PM₁₀ analysis and identify sensitive receptors.

General Conformity and Transportation Conformity

The proposed project may require a general conformity determination by the FRA for ozone, PM₁₀, and CO. If required, the DEIS should include the general conformity determination with related mitigation commitments. FRA and DesertXpress Enterprises should work with the Mojave Desert Air Quality Management District, California Air Resources Board, Clark County Department of Air Quality Management, and Nevada Division of Environmental Protection to ensure that anticipated emissions from the proposed project are consistent with applicable Air Quality Management Plans.

The DEIS should also identify what elements of this project will require approval or funding by the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) and demonstrate these elements are included in a conforming transportation plan and a transportation improvement program. FRA should work with the air quality agencies noted above to ensure that applicable elements of the proposed project are consistent with future revisions of applicable Regional Transportation Plans. EPA also encourages close coordination with the air quality agencies to ensure that the emissions from both the construction and the operational phases of the project conform to the applicable State Implementation Plans, if appropriate, and do not cause or contribute to violations of the NAAQS.

Construction

FRA and DesertXpress Enterprises should include a Construction Emissions Mitigation Plan for fugitive dust and diesel particulate matter (DPM) in the EIS and adopt this plan in the Record of Decision. EPA recommends the following mitigation measures be included, where feasible, in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of PM₁₀ and other toxics from construction-related activities:

- Use particle traps and other appropriate controls to reduce emissions of DPM and other air pollutants. Traps control approximately 80 percent of DPM, and specialized catalytic

converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions;

- Visible emissions from all heavy duty off road diesel equipment should not exceed 20 percent opacity for more than three minutes in any hour of operation;
- Minimize construction-related trips of workers and equipment, including trucks and heavy equipment and establish an activity schedule designed to minimize traffic congestion around the construction site;
- Lease or buy newer, cleaner equipment (1996 or newer model) and utilize low sulfur fuel (diesel with 15 parts per million or less);
- Employ periodic, unscheduled inspections to ensure that construction equipment is properly maintained at all times, is tuned to manufacturer's specifications, and is not modified to increase horsepower, except in accord with established specifications;
- Coordination with appropriate air quality agencies to (1) identify a construction schedule to minimize cumulative impacts from multiple development and construction projects in the region, if feasible to minimize cumulative impacts, and (2) adopt appropriate construction dust control procedures; and
- Locate construction equipment and staging zones away from sensitive receptors such as children and the elderly as well as away from fresh air intakes to buildings and air conditioners,

Water Resources

The construction of the rail line will likely involve the discharge of dredged or fill material into numerous tributary streams. Discharges of dredged or fill material into tributaries found to be waters of the United States require authorization by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (CWA). The Federal Guidelines at 40 CFR Part 230 promulgated under CWA Section 404 (b)(1) provide substantive environmental criteria that must be met to permit such discharges into waters of the United States. These criteria require a permitted discharge to: (1) be the least environmentally damaging practicable alternative (LEDPA); (2) avoid causing or contributing to a violation of a State water quality standard; (3) avoid jeopardizing a federally listed species or adversely modifying designated critical habitat for a federally listed species; (4) avoid causing or contributing to significant degradation of the waters of the United States; and (5) mitigate for unavoidable impacts to waters. A fully integrated DEIS that adequately addresses these criteria would facilitate the CWA Section 404 permit review process. EPA recommends integrating the National Environmental Policy Act (NEPA) and CWA Section 404 requirements in the development of the DEIS.

The DesertXpress NOI indicates the proposed railway would be constructed predominately within the right-of-way of Interstate 15 (I-15) or an existing rail line which is generally less environmentally damaging than constructing an entirely new alignment across undeveloped land. The FRA and DesertXpress Enterprises should explore on-site alternatives to further avoid or minimize impacts to specific waters by using spanned crossings or other less damaging designs. The waters assessment should include an appropriate scope and enough detail of the existing conditions to identify sensitive areas or aquatic systems with functions highly susceptible to change. EPA also recommends the following in the DEIS as they may

apply to the proposed project during assessment of existing conditions and environmental consequences of each proposed alternative:

- Include the classification of waters and the geographic extent of waters and adjacent riparian areas;
- Characterize the functional condition of waters and adjacent riparian areas;
- Describe the extent and nature of stream channel alteration, riverine corridor continuity, and buffered tributaries
- Include wildlife species affected that could reasonably be expected to use waters or associated riparian habitat and sensitive plant taxa that are associated with waters or associated riparian habitat;
- Analyze the potential flood flow alteration;
- Characterize the hydrologic linkage to an impaired water body;
- Analyze the potential water quality impact and potential effects to designated uses; and
- Address techniques proposed for minimizing surface water contamination due to increased runoff from additional impervious surfaces associated with proposed parking lots, facilities, and station access.

Biological Resources

The DEIS should describe efforts to avoid and/or minimize impacts to threatened and endangered species and associated habitats, as well as preserves, parks, and restoration and habitat management areas. The DEIS should describe the extent and nature of the protected species and their primary habitat(s) and the extent and nature of proposed and designated critical habitat potentially affected. The DEIS should also provide a description of narrow endemics, unique habitat elements, and suitable habitat for native fauna and flora in the project area and the extent each proposed alternative may affect each resource. Efforts to minimize or avoid impacts to resources should be presented with a quantification of specific resources avoided.

If the proposal includes fencing of the high speed train system, the proposal may affect wildlife movement corridors where (1) the high speed train alignment is not in an existing rail or highway corridor and would traverse natural areas, and (2) habitat use in existing rights-of-way occurs across roads and rail lines currently unobstructed by fences. The DEIS should address wildlife movement impacts associated with the proposal and present mitigating measures, if appropriate. Proposed stream and wash crossings should be designed to maintain or improve existing wildlife passages.

Indirect Impacts

EPA is concerned about the potential indirect impacts (40 CFR Part 1508.8(b)) of this project. New access to undeveloped areas may induce growth on surrounding lands. The proposed project will facilitate development and potentially lead to increased traffic and congestion in the immediate and surrounding area, particularly in Victorville. The DEIS should analyze the impacts from all reasonably foreseeable developments associated with the proposal.

EPA recommends the DEIS make both the methodology and the assumptions in the analysis of induced growth as transparent as possible to the public and decision makers. If a land-use model will be used, the DEIS should discuss the model (including its assumptions, strengths, and weaknesses) and describe why it was selected. For example, describe which method will be used to allocate growth to analysis zones and why that method was selected. FRA and DesertXpress Enterprises should validate the results by enlisting local expertise involved in land use issues, such as local government officials, land use and transportation planners, home loan officers, and real estate representatives.

Cumulative Impact Analysis

Cumulative impacts are defined in the Council on Environmental Quality's (CEQ) NEPA regulations as the impact on the environment that results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR 1508.7). These actions include both transportation and non-transportation activities. The cumulative impact analysis should consider non-transportation projects such as large-scale developments and approved urban planning projects that are reasonably foreseeable and are identified within city and county planning documents. These types of projects, identified within and around the proposed high speed train system, should be included in the cumulative impacts analysis.

The cumulative impact analysis should describe the "identifiable present effects" to various resources attributed to past actions. The purpose of considering past actions is to determine the current health of resources. This information forms the baseline for assessing potential cumulative impacts and can be used to develop cooperative strategies for resources protection (CEQ's Forty Most Frequently Asked Questions #19).

The DEIS should disclose if there are future plans to extend the DesertXpress line over the Cajon Pass into the Los Angeles basin or to connect with other future transport options, including the high speed rail network proposed by the California High Speed Rail Authority. Given the other transportation projects currently being planned for the Cajon Pass area, EPA is concerned that the cumulative impacts to waters of the United States and functioning wildlife movement corridors, primarily on the San Bernardino National Forest, may contribute to significant degradation of these resources. EPA provides the following recommendations:

- Conduct a thorough cumulative impact assessment. The analysis should include a complete list of reasonably foreseeable actions, including non-transportation projects. EPA recommends the use of recently published cumulative impact guidance released by Caltrans which is also applicable for non-road projects. This guidance can be found at [http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm];
- Disclose the past, present, and reasonably foreseeable impacts on resources of concern from transportation and non-transportation activities and analyze the rate of loss and magnitude (size and relative importance) of impacts to resources;

- Establish the geographic scope for the analysis that is appropriate for the resource of concern;
- Characterize the status of the specific resource as it exists today in the context of the historic condition;
- Characterize the stress factors affecting the resource;
- Address the incremental effects to environmental resources, specifically water resources, air quality, air toxics, and environmental justice;
- Incorporate other high speed rail projects planned in the area into the assessment;
- Address the transportation project's relationship to land-use change (from increased access and mobility); and
- Incorporate resources protected by habitat conservation plans, affected city plans, and other restoration efforts in the project area.

Tunnel Construction

The DesertXpress NOI indicates that a potential alternative in Segment 4 of the corridor may include the construction of a 4,000-foot long tunnel. Tunnel construction may involve the necessity to dispose of large quantities of excavated materials. If the alternative is carried forward in the DEIS, the DEIS should identify potential disposal sites and analyze the environmental effects associated with spoil disposal at each of the sites. The DEIS should also disclose the effects associated with the large number of trucks necessary to haul the spoils to disposal sites, which may generate increased noise and air quality and traffic impacts. The DEIS should: (1) provide an estimate of the number of truck trips required to haul material to disposal sites, (2) identify the impacts to air quality, noise, neighboring recreational areas, and community disruption from the trips, and (3) commit to specific mitigation measures to reduce estimated impacts.

Environmental Justice

Executive Order 12898 addresses Environmental Justice in minority and low income populations, and the Council on Environmental Quality has developed guidance concerning how to address Environmental Justice in the environmental review process (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>). The DEIS should include a description of the area of potential impact used for the environmental justice impact analysis and provide the source of the demographic information. The DEIS should identify whether the proposed alternatives may disproportionately and adversely affect low-income or minority populations in the surrounding area and should provide appropriate mitigation measures for any adverse impacts.

F A X T R A N S M I T T A L



CirclePoint™
The whole view.

FROM: Sonja

DATE: 7/26/06	NO. PAGES (INCLUDING COVER): 4
PROJECT NAME: Desert Xpress	
CIRCLEPOINT REFERENCE NO: 2272.0	

TO:	NAME	COMPANY	FAX
	Mary		

SUBJECT

Letter re: LV meeting

REMARKS

Jul 26 06 05:49p

Susan Russell

(702) 893-0037

p. 1

TO: Senator Harry Reid
Charvez Foger
Fax: (702) 388-5030

Senator John Ensign
Christy Guedry
Fax: (702) 388-6501

Congressman Jim Gibbons
Fax: (702) 255-1927

Mayor Oscar Goodman
Fax: (702) 385-7960

Nevada BLM
Jeff Steinmetz
Fax: (702) 515-5155

Randall Walker
McCarran International Airport
Director of Aviation
Fax: (702) 261-4111

PAGES: EIGHT

REGARDING: DesertXpress High Speed Train

Jul 26 06 05:50p

Susan Russell

(702) 893-0037

p.2

July 26, 2006

Susan Russell
2479 El Paseo Circle
Las Vegas, NV 89121
(702) 893-0035
smprussell@aol.com

Mary Bean
CirclePoint
455 Capitol Mall
Suite 305
Sacramento, CA 95814

RE: DESERTEXPRESS High Speed Train

Dear Ms. Bean:

I am writing in regard to the meeting held in Las Vegas on June 25, 2006 to discuss DESERTEXPRESS High Speed Train.

I expected the meeting to be much more informative and detailed. The meeting lasted 15 minutes and explained nothing. I expected to hear from Cal Trans, California BLM and maybe Las Vegas officials from the BLM or the Airport on how this project would tie into the larger picture and contribute more to the community. I expected to hear updates regarding the cargo airport in Ivanpah and the Cal Trans 120 acre project at Nipton Road and how this DESERTEXPRESS High Speed Train project would benefit these projects. But the 15-minute meeting did not cover anything concrete except to say the project has been in the works for 4 years.

I expected to hear who the "Investors" and "Partners" were that are behind this project and receive a handout that had much more detailed information. I wanted to know why ANYONE thinks a train from Victorville to Las Vegas is a good idea and whom it benefits. Whether this is AMTRACK, the existing train or DESERTEXPRESS High Speed Train, it is just another train and at 125 MPH to Victorville, the technology will not serve the needs of Las Vegas's at all. From the day it is complete it will be outdated and not useful. It will be the equivalent of building a new bridge to Los Angeles that is one lane and in 5 years when it is finished, 16 lanes are warranted. Furthermore, to and from Victorville does nothing for Las Vegas.

The MAG LEV project should be the model and technology we follow as it offers multiple uses both public and private including tying into the cargo airport in Ivanpah to take cargo back and forth to California. MAG LEV could raise money many ways including the sales of private carts to the casinos to take visitors and VIP's back and forth to the malls and Anaheim (Disneyland). MAG LEV could raise money by charging fees to businesses for cargo transportation and for making stops at the malls along the way in addition to the gate fees from passengers. MAG LEV could cross market with travel agents and sell hotel packages and more. I for one would use the MAG LEV type system all the time but I would never get on a train of 125 miles per hour to Victorville???? I can drive that fast, bypass Victorville and get to the actual destination City and still have my car.

PUBLIC UTILITIES COMMISSION

320 West 4th Street, Suite 500
Los Angeles, CA 90013



August 8, 2006

Scott Steinwert
DesertXpress
c/o CirclePoint
135 Main Street, Suite 1600
San Francisco, CA 94105

Re: SCH# 2006074002: High Speed Passenger Train (DesertXpress) Extending from Victorville, California to Las Vegas, Nevada

Dear Mr. Steinwert:

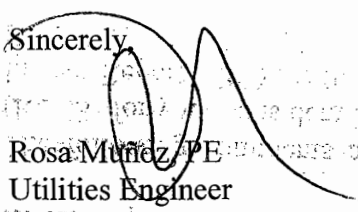
The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alternation, and closure of crossings.

The following comments are offered by the Commission's Rail Crossings Engineering Section (RCES) for your consideration regarding the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the proposed DesertXpress project. Subsequent to completion of the final EIR, Union Pacific Railroad Company and BNSF Railway Company should arrange a meeting with RCES and the local highway authorities to discuss relevant safety issues of the public and private crossings and to conduct diagnostic reviews as necessary. The modifications to the crossings described in the NOP, require the Commission's approval. We concur that all crossings be grade-separated.

Please include the Commission as a responsible agency for this project. As part of its review, the Commission will consider portions of the environmental consequences of this project within its area of expertise that is subject to its discretionary approval.

Please advise us on the status of the project. If you have any questions in this matter, please contact me at (213) 576-7078 or at rxm@cpuc.ca.gov.

Sincerely,


Rosa Muñoz, PE
Utilities Engineer

Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: John Shurson, BNSF
Freddy Cheung, UP

Jul 26 06 05:50p

Susan Russell

(702) 893-0037

P. 3

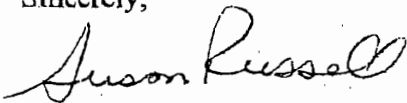
MAG LEV could serve the private and public sectors and better serves California and Nevada. Nevada has its own needs and this project does not serve Nevada at all. We want to offer visitors and VIP's a fast and efficient way to the final destination of Anaheim (Disney Land) or Los Angeles and get those people back at 400 MPH back to our town to our hotels, restaurants and casinos. Even if DESERTEXPRESS was servicing Las Vegas to Los Angeles, no one would take a train of 225 miles per hour and no one would allow themselves to be dropped off at the train station in LA or Las Vegas (sorry Mayor Goodman. Downtown was ruined when they capped the dome and shut off free flowing traffic and brought the Circus vendors in.) Train station areas are disgusting, dangerous and are not the final destination for business class or tourists. Main and Bonneville is not the image the LVCVA wants to promote and no Las Vegas resident would leave their car downtown to catch a train to VICTORVILLE.

Something like MAG LEV better serves the interest of the constituents of Las Vegas including our number one industry; GAMING. And higher technology would be a draw for Downtown. A catch. A reason to go back downtown. DESERTEXPRESS would be another reason to stay away from Downtown.

DESERTEXPRESS High Speed Train, if approved, should use the existing train tracks and not interfere with Nevada getting a system of higher technology with multiple uses similar to MAG LEV. Los Angeles and Las Vegas are too sophisticated for this ordinary nothing train that serves Victorville?? Last I checked stats, the majority of all tourists were not coming from Victorville.

I would hope our fine Nevada representatives would look for a multiple use project with state of the art technology that keeps traditional with our incredible state and not approve a stupid train that serves no purpose. We already have one of those running to the Convention Center and frankly, Nevada should consider using that to the south end of the strip to connect with a MAG LEV type system and forget about this ridiculous project to Victorville? We can and should do better.

Sincerely,



Susan Russell



Federal Railroad
Administration

DESERTXPRESS HIGH SPEED TRAIN

LINKING VICTORVILLE, CALIFORNIA AND LAS VEGAS, NEVADA

The public is invited to provide comment on the Federal Railroad Administration's DesertXpress High Speed Train Environmental Impact Statement/Environmental Impact Report.

Date July 26, 2006
 Name Debrah Barkack
 Address 11703 Ed Street
San Bernardino, CA
 Telephone 909-884-8276
 E-mail _____

Mail your comments to:

CirclePoint
 Attn: Mary Bean
 455 Capitol Mall
 Suite 305
 Sacramento, CA 95814

Public comment period will be open until August 15, 2006

Comment: _____

1. How will air quality impacts/benefits be analyzed in respect to regional air quality and transportation plans?
2. How will use of interstate right-of-way be granted considering multiple project proposals?
3. Is inclusion in Regional Transportation Plan and Regional Transportation Improvement Plan required?
4. Will CEQA document be prepared for California segment?

Thank you for your participation!

Comments are not limited to this form; feel free to submit your comments on additional paper if necessary.

to: David Valenstein

PLEASE!

...do something to ease
the daily nightmare on
Hwy 15. I'm all for the
proposed high speed train
from Victorville to Las Vegas

However, I think it should
start in San Bernardino,
not Victorville

thank you

Norene Beebe
11008 Lancelet Ave
Apple Valley, Ca
92308-7886
760 (247-4242)

**DRAFT EIS PUBLIC NOTIFICATION
MATERIALS**

[FORTHCOMING FOR PUBLIC DRAFT EIS]