

# MULLINS LAW GROUP PLLC

*Transportation Solutions for the 21<sup>st</sup> Century*

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April 14, 2024

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## **VIA-E-FILING**

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

ENTERED  
Office of Proceedings  
April 15, 2024  
Part of  
Public Record

Re: Great Redwood Trail Agency – Adverse Abandonment – Mendocino Railway in Mendocino County, California, AB-1305 (Sub-No. 1)

## **Expedited Consideration Letter Opposing GRTA's Request For Waiver of the Filing Fee**

Dear Ms. Brown:

On behalf of Mendocino Railway ("MR"), I am filing this letter seeking expedited consideration of MR's request that the Surface Transportation Board ("STB" or "Board") oppose the Great Redwood Trail Agency's ("GRTA") request for waiver of the filing fee in the above-captioned proceeding. In its adverse abandonment application filing on April 12, 2024, GRTA requested a waiver of the filing fee pursuant to 49 C.F.R. § 1002.2(e)(1). The Board should deny that request.

GRTA is outside the scope of the public agencies that fall within the automatic fee waivers regulation. The Board will waive filing fees for "a federal government agency or a state or local entity," which GRTA claims to be. Although the Board will grant waivers to public agencies, it will not grant such relief where the public agency is "acting in the capacity of a carrier or shipper or that owns or proposes to own a carrier and is before the agency in its proprietary role." See 49 C.F.R. § 1002.2(e)(1). Here, even if GRTA is considered a state agency, it is acting in the capacity as a carrier and does not qualify for a waiver. A finding the Board has already made. As the Board may recall, on May 14, 2021 in its Notice of Exemption for Abandonment/Railbanking ("Notice"), North Coast Railroad Authority ("NCRA"), which has changed its name to GRTA, requested a fee waiver pursuant to 49 C.F.R. § 1002.2(e), arguing that it was a "public agency of the State of California." In that same Notice, NCRA conceded it was the "owner of a rail line and is itself subject to embargoed common carrier obligations." The Board therefore found that NCRA was acting in the capacity as a carrier that

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owns a rail carrier and rejected the fee waiver request. See North Coast Railroad Authority – Abandonment Exemption – in Mendocino, Trinity and Humboldt Counties, CA, AB 1305X, 2 (STB Filed and Fee Received May 14, 2021).

GRTA is the exact same entity as NCRA. Indeed, it describes its own “service area [as] the former North Coast Railroad Authority (NCRA) rail corridor in Mendocino, Trinity, and Humboldt Counties”<sup>1</sup> In fact, GRTA is not even a state agency. GRTA is not listed as a state agency on the State of California website.<sup>2</sup> GRTA, on its own website, links to the American Trails website, which lists GRTA under “Trail Organizations in California” instead of under “State and Local Trail Agencies for California.”<sup>3</sup> These factors corroborate the fact that GRTA is not intended to fall under the automatic filing fee waiver provision for public agencies and is instead acting in the capacity as a carrier. Accordingly, GRTA is not entitled to relief under 49 C.F.R. § 1002.2(e)(1).<sup>4</sup>

Respectfully submitted,

/s/ William A. Mullins

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cc: Parties of Record

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<sup>1</sup> [The Great Redwood Trail Agency](#) (Last Visited April 4, 2024).

<sup>2</sup> [State Agency Listing | www.ca.gov](#) (Last Visited April 4, 2024).

<sup>3</sup> [Resources by State - American Trails](#) (Last Visited April 4, 2024).

<sup>4</sup> In similar circumstances, the Board has also denied a fee waiver request pursuant to 49 C.F.R. § 1002.2(e)(1). See SEDA-COG Joint Rail Authority – Acquisition Exemption with Interchange Commitment – Norfolk Southern Railway Co., FD 36602 (STB Filing Fee Received March 24, 2022); North Central Mississippi Regional Railroad Authority – Continuance in Control Exemption, FD 36234 (STB Filing Fee Received Oct. 19, 2018); North Central Mississippi Regional Railroad Authority – Acquisition and Operation Exemption – Mississippi Dept. of Transportation, FD 36182 (STB Filing Fee Received Sept. 13, 2018); and Town of North Judson, Indiana – Adverse Discontinuance of Service – in LaPorte, Porter, and Strake Counties, IN, AB-1232 (STB Served July 27, 2015).