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November 8, 2024
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BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-1305 (Sub-No. 1)

GREAT REDWOOD TRAIL AGENCY
- ADVERSE ABANDONMENT -

MENDOCINO RAILWAY IN MENDOCINO COUNTY, CA

DECISION ID NO.: 52377
DECIDED DATE: 11/13/2024
SERVED DATE: 11/14/2024
APPROVED: *[Signature]*
Acting Director



GRANTED

Office of
Proceedings



JOINT AGREEMENT TO PRODUCE DOCUMENT AND MOTION TO SET REPLY DATE

Great Redwood Trail Agency (“GRTA”) and Mendocino Railway (“MR”) through counsel respectfully submit this stipulated agreement that MR will produce the single document requested by GRTA in its motion to compel filed herein on July 23, 2024. Accordingly, the parties jointly request that the Surface Transportation Board (“STB” or “Board”) set a new due date for GRTA’s reply to protests and comments to November 29, 2024¹ and dismiss GRTA’s motion to compel discovery.

As background, on April 12, 2024, GRTA filed an application (“Application”) under 49 U.S.C. § 10903 for third-party, or “adverse,” abandonment of an approximately 40-mile rail line owned by MR that extends between milepost 0 at Fort Bragg and milepost 40 at Willits, in Mendocino County, Cal. Pursuant to an amended procedural schedule, protests and comments in response to the Application were due on or before June 17, 2024, and GRTA’s replies to protests and comments were due on or before August 1, 2024. On July 23, 2024, GRTA filed a motion to compel MR to respond to discovery (“Motion to Compel”). On July 25, 2024, MR filed a reply. In the Motion to Compel, GRTA stated that it initially served MR with “extensive” document requests on June 17, 2024, but that it had since narrowed the requests to seek production of only

¹ By decision issued July 29, 2024, the Board postponed the filing date for GRTA’s reply until further order of the Board. By this motion, the Parties are jointly requesting the Board to remove the case from postponement and dismiss GRTA’s motion to compel.

one document: MR and Sierra Northern Railway's joint loan application pursuant to the Railroad Rehabilitation and Improvement Financing program (RRIF Loan Document). (Mot. to Compel 2-3; see MR Reply 1 n.2.) GRTA asked that the Board order MR to produce the document on an expedited basis ahead of GRTA's August 1, 2024 deadline to file replies to protests and comments. In the Board's order, served July 29, 2024, it held that to provide sufficient time for the Board to fully consider the arguments presented regarding the Motion to Compel, the August 1, 2024 deadline for GRTA's replies to protests and comments will be postponed until further order of the Board.

On November 5, 2024, MR agreed to provide the Application to GRTA in "highly confidential" status in accordance with the Board's protective order herein. GRTA agreed to not oppose this status and to only provide the document to counsel and staff at GKG Law. Consequently, the Motion to Compel is now moot, thereby allowing this case to move forward. As a result, MR and GRTA jointly ask the Board to set a new date of November 29, 2024 as the deadline for GRTA's reply filing and dismiss the Motion to Compel.

Respectfully Submitted,

/s/ Daniel R. Elliott

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Attorney for Mendocino Railway

Dated: November 8, 2024

Certificate of Service

I certify that I have, on this 8th day of November 2023, served by first-class mail, postage prepaid, or by a more expeditious manner, copies of the foregoing document on all parties of record.

/s/ Daniel R Elliott
Daniel R. Elliott