

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-1305 (Sub-No. 1)

GREAT REDWOOD TRAIL AGENCY
- ADVERSE ABANDONMENT -
MENDOCINO RAILWAY IN MENDOCINO COUNTY, CA**REPLY IN OPPOSITION TO TRANSDEF'S MOTION TO HOLD THE PROCEEDING
IN ABEYANCE**

The Great Redwood Trail Agency ("GRTA") respectfully submits its reply in opposition to the Transportation Solutions Defense and Education Fund's ("TRANSDEF") motion to hold this proceeding in abeyance "until the disposition of the Cloverdale to Willits segment has been resolved." As GRTA stated in its Petition for Partial Waiver ("Petition"), based on STB precedent, it cannot seek abandonment of this portion of the GRTA line and railbank it in accordance with the Great Redwood Trail Act, Cal. Gov. Code § 93000 *et seq.*, if it is attached to the Mendocino Railway in Willits. Otherwise, it would leave the line at issue in this proceeding stranded from the interstate network.¹ Therefore, GRTA cannot satisfy its statutory mandate to railbank the GRTA Line and continue with its plans to develop the Great Redwood Trail in the most efficient and effective manner until this matter is resolved.

In making its argument, TRANSDEF expresses concern that this adverse abandonment proceeding will somehow impact the rights of any participants in the anticipated abandonment proceeding for the GRTA line from Willits to NWP milepost 89. As noted in the Petition, this is

¹ As noted in the Petition, Board precedent does not allow a segment of common carrier track to be "stranded" due to abandonment of an adjacent section of track: "It is well settled that so long as there is a common carrier obligation attached to a particular segment of track, the Board will not allow that segment to become isolated from the rail system as a result of the abandonment of the adjoining segment." *R.J. Corman R.R. Property, LLL – Aban. Exemption – in Scott, Campbell, and Anderson Counties, Tenn.* AB-1296X, slip op. at 3 (STB served Nov. 17, 2022) (cite omitted).

the portion of the GRTA line where MR could theoretically connect to the interstate rail network by running south, via segments owned and operated by other carriers, eventually connecting to an interchange point with the Union Pacific Railroad in Fairfield, California. However, this part of the GRTA line remains subject to the 1998 Federal Railroad Administration safety embargo. Consequently, it has not had any freight traffic on it in over twenty years, and there is no realistic prospect for such use in the foreseeable future as was shown in Docket No. AB-1305X involving the part of the GRTA line north of Willits.

That being said, this adverse abandonment proceeding will have no impact on the rights of any participants in an abandonment proceeding regarding this southern portion of the GRTA line. Parties will still be able to express their support or opposition to the abandonment and make requests for offers of financial assistance² and trail or public use conditions in accordance with the STB abandonment procedures. In other words, TRANSEDEF's concerns are based on an incorrect premise about the impact of this proceeding on this anticipated subsequent proceeding.

Therefore, GRTA asks the Board to deny TRANSEDEF's request to hold this proceeding in abeyance as its concerns are clearly misplaced.

² As demonstrated in Docket No. AB-1305X, an offer of financial assistance will not be warranted as there is no need for rail service on this remaining portion of the GRTA line as the absence of any freight operations on it since 1998 clearly establishes.

Respectfully submitted,

/s/ Daniel R. Elliott

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Dated: March 24, 2023

Certificate of Service

I certify that I have, on this 24th day of March 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