

NOTICE OF INTENT TO FILE ADVERSE ABANDONMENT**BEFORE THE
SURFACE TRANSPORTATION BOARD****AB-1305 (Sub-No. 1)****GREAT REDWOOD TRAIL AGENCY
- ADVERSE ABANDONMENT –
MENDOCINO RAILWAY IN MENDOCINO COUNTY, CA**

The Great Redwood Trail Agency ("the Applicant") gives notice that on or about April 5, 2024, it intends to file with the Surface Transportation Board ("STB" or "Board"), Washington, D.C. 20423, an Application for Adverse Abandonment of a line of railroad that extends between Milepost 0 at Fort Bragg and Milepost 40 in Willits, a total distance of approximately 40 miles in Mendocino County, California ("MR Line"), which traverses through United States Postal Service ZIP Codes 95437 and 95490. There are no stations on the MR Line.

The reason for the proposed abandonment is to obtain a determination that public convenience and necessity require and permit abandonment of the federal interest in the MR Line. Applicant owns land adjacent to the right-of-way of and connects to the subject MR Line. Applicant claims that the land has not been used for Board-regulated rail transportation for over 20 years. Applicant claims that there is no reasonable prospect for such use in the foreseeable future. A determination by the Board that public convenience and necessity permits and requires abandonment of the MR Line in those circumstances would extinguish the federal interest in the MR Line and make the prospect of a beneficial non-freight-rail use more probable. In addition, Applicant claims there are significant environmental health and safety concerns associated with the current use of the property because of an alleged abuse of MR's status as a rail carrier. Moreover, abandonment of the MR Line will make other public projects in the area more feasible.

There are no documents in Applicant's possession that the MR Line contains federally granted rights-of-way. Any such documentation that might come into Applicant's possession will be made available promptly to those requesting it. To the extent that any railroad employees would be adversely affected by this action, their interest would be protected by the conditions imposed in *Oregon Short Line Railroad-Abandonment, Goshen Branch*, 360 I.C.C. 91 (1979).

The application will include the Applicant's entire case for abandonment. The application, when filed, can be viewed on the Board's webpage, www.stb.gov, or a copy can be secured from Applicant's counsel, whose name and address appear below. Any interested person, after the application is filed on April 5, 2024, may file with the STB written comments concerning the proposed abandonment or protests to it. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any abandonment of rail service and salvage of the MR Line, the MR Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. § 10905 (§ 1152.28 of the Board's rules) and any request for a trail use condition under 16 U.S.C. § 1247(d) (§1152.29 of the Board's rules) must also be filed within 45 days from the date of filing of the application.

Persons who may oppose the abandonment but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition (case in chief) including the following: (1) Protestant's name, address, and business. (2) A statement describing protestant's interest in the

proceeding including: (i) A description of protestant's use of the MR Line; (ii) If protestant does not use the MR Line, information concerning the group or public interest it represents; and (iii) If protestant's interest is limited to the retention of service over a portion of the MR Line, a description of the portion of the MR Line subject to protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the MR Line profitably, including an appropriate return on its investment for those operations. (3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)]. (4) Any rebuttal of material submitted by applicant.

In addition, a commenting party or protestant may provide a statement of position and evidence regarding: (i) Environmental impact; (ii) Impact on rural and community development; (iii) Recommend provisions for protection of the interests of employees; (iv) Suitability of the properties for other public purpose pursuant to 49 U.S.C. § 10905; and (v) Prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. § 1247(d) and § 1152.29.

Written comments and protests will be considered by the Board in determining what disposition to make of the application. The commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to § 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, should indicate the proceeding designation STB No. AB-1305 (Sub-No. 1). Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest shall be served upon the representative of the Applicant, Daniel Elliott, GKG Law, 1055 Thomas Jefferson Street, NW, Suite 620, Washington, DC 20007, delliot@gkglaw.com. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Comments or protests need to be notarized or verified, and are required to be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, at 395 E Street, S.W., Washington, DC 20423, together with a certificate of service attesting that copies of the comments or protests have been served on Applicants' counsel in this matter, no later than May 20, 2024.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Except as otherwise set forth in 49 C.F.R. § 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. Comments and protests will be considered by the Board in determining what disposition to make of the application. A commenting party or protestant may participate in the proceeding as its interests may appear.

Persons seeking further information concerning abandonment procedures may contact the Board's Rail Customer and Public Assistance program at (202) 245-0238 or refer to the text of the abandonment regulations at 49 C.F.R. part 1152.

Respectfully submitted,

/s/ Daniel R. Elliott

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Attorney for Great Redwood Trail Agency

March 14, 2024

Certificate of Service

I hereby certify that on this 14th day of March 2024, I caused the foregoing Notice of Intent to be served by First Class Mail or more expedient method on the following:

Governor Gavin Newsom
State of California
1021 O Street, Suite 9000
Sacramento, CA 95814
(By certified mail)

California Public Utilities Commission
300 Capitol Mall, Suite 500
Sacramento, CA 95814

California Department of Transportation
P.O Box 942873
Sacramento, CA 94273-0001
maya.wallace@dot.ca.gov

UCCE-Mendocino County
890 N. Bush Street
Ukiah, CA 95482
cemendocino@ucanr.edu

U.S. Department of Transportation - Federal Railroad
Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

US Dept. of Defense (SDDCTEA)
Attn: Railroads for National Defense
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Ave., SW
Washington, DC 20250

U.S. Railroad Retirement Board
844 North Rush Street
Chicago, IL 60611

U.S. Department of Interior
Recreation Resources Assistance Division

1849 C Street, N.W.
Washington, DC 20240

UCCE-Mendocino County
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California Department of Transportation
P.O. Box 942873
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Significant Users of MR Line
(Names not revealed in accordance with protective order)

/s/ Daniel R Elliott
Daniel R. Elliott