

STB No. AB 1313 – Notice of Intent to File Application for Adverse Discontinuance of Lease and Operating Authority

Great Redwood Trail Agency (“GRTA”), formerly named North Coast Railroad Authority (“NCRA”), an agency of the State of California, gives notice that on or about June 7, 2022, it intends to file an application seeking permission for the adverse discontinuance of the rail service lease and operating authority held by the Northwestern Pacific Railway Co. (“NWPY”) over approximately 174 miles of rail line extending from Milepost 142.5 at Outlet Station to end of line at MP 302.86 near Fairhaven on the Samoa Branch, and including the entireties of the Korblex/Korbel Branch and the Carlotta Branch (hereinafter the “Eureka Line”). The Eureka Line is situated in Mendocino, Trinity and Humboldt Counties, CA, and traverses U.S. Postal Zip Codes 95429, 95595, 95454, 95542, 95560, 95559, 95553, 95571, 95569, 95565, 95562, 95540, 95551, 95537, 95564, 95524, 95521, 95519, 95525, 95521, 95524, 95501, 95503, 95526, 95514, 95511, and 95490. GRTA (formerly named NCRA) owns the Eureka Line. The Federal Railroad Administration embargoed the Eureka Line in 1998 and it has had no rail operations since that time. Although NWPY leased the Eureka Line from GRTA, then named NCRA, in 2001, NWPY has never operated upon it. NWPY terminated all operations in or about September 2001. NWPY’s lease was

terminated in 2005, and its operating authorities south of MP 142.5 were subsequently transferred to a new lessee (Northwestern Pacific Railroad Company (“NWPCo.”)). NWPY’s CEO/CFO and agent died in 2010. NWPY no longer exists.

The Eureka Line may contain federally-granted rights-of-way. Any relevant documentation that might come into GRTA’s/NCRA’s possession will be made available promptly to those requesting it.

The application, when filed, can be viewed following its filing on the Board’s website, [www.stb.gov](http://www.stb.gov), or a copy may be secured from GRTA’s/NCRA’s representative whose name and address appears below. Based on rulings made by the Board in its decision served in this proceeding on March 4, 2022, this proposed discontinuance will not be subject to offers of financial assistance under 49 U.S.C. 10904 (49 C.F.R. 1152.27 of the Board’s rules) or imposition of labor protective conditions under 49 U.S.C. 10903(b)(2). Public use conditions under 49 U.S.C. 10905 (49 C.F.R. 1152.28 of the Board’s rules) and requests for trail conditions under 16 U.S.C. 1247(d) (49 C.F.R. 1152.29) are not applicable in discontinuance proceedings.

Any interested person, after the application is filed, may file with the Board written comments concerning the proposed adverse discontinuance or protests to it. These filings are due 45 days from the date of filing of the application. Persons

who may oppose the discontinuance, 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 opposing the proposed discontinuance that do wish to participate actively and fully in the process should file a protest. Protests must contain the party's entire case in opposition including the following: (1) the protestant's name, address and business; (2) the protestant's interest in the proceeding, including a description of the protestant's use of the line or, if protestant does not use the line, information concerning the group or public interest it represents; (3) the protestant's specific reasons why it opposes the application including information regarding its reliance on the involved service; and (4) the protestant's rebuttal of material submitted in the application.

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 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.

The parties filing protests to the proposed discontinuance should be prepared to participate actively either in the oral hearing or through submission of their entire

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 49 C.F.R. 1152.25.

Written comments and protests should indicate the proceeding designation, STB Docket AB 1313 and must be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001 no later than 45 days after the application is filed. Please note that the Board currently requests e-filing, for which instructions are provided below. Interested persons may file a written comment or protest with the Board to become a party to this discontinuance proceeding. A copy of each written comment or protest shall be served on the following representative of GRTA, formerly named NCRA: Charles H. Montange, Law Offices of Charles H. Montange, 426 NW 162<sup>nd</sup> St., Seattle, WA 98177, (206) 546-1936.

Written comments and protests may generally be sent to the Board either via the Board's e-filing format or in the traditional paper format. However, the Board currently requests all persons filing documents with the Board use the e-filing format. Any person using e-filing should comply with the instructions found on the Board's [www.stb.gov](http://www.stb.gov) website, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send the original and 10 copies of the filing to the Board with a certificate of service. Except as otherwise set forth in 49

C.F.R. Part 1152, every document filed with the Board must be served on all parties in this adverse discontinuance proceeding in accordance with 49 C.F.R. 1104.12(a).

The Board's March 4, 2022 decision waived compliance with its environmental and historic review regulations because the Board found that it was unlikely that the discontinuance would result in any environmental impacts or salvage. Accordingly, no environmental or historic assessment will be prepared for this proceeding.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238 or refer to the full discontinuance regulations at 49 C.F.R. Part 1152. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Board decisions and notices are available at the Board's website at [www.stb.gov](http://www.stb.gov).