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301574

February 2, 2021

By Electronic Submission

Ms. Allison C. Davis, Director
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
February 2, 2021
Part of
Public Record

Re: Finance Docket No. 36481, *Sonoma-Marin Area Rail Transit District – Acquisition And Operation Exemption – North Coast Railroad Authority*

Dear Ms. Davis:

Enclosed for filing in the above-captioned proceeding is the Verified Notice of Exemption of the Sonoma Marin Area Rail Transit District pursuant to 49 C.F.R. § 1150.41. The filing fee of \$2,200 is being paid electronically via *Pay.gov*.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance in this matter.

Respectfully submitted,

/s/ Carolyn Gaut Kraska
Carolyn Gaut Kraska

Associate
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(202) 637-5600

FILED
February 2, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
February 2, 2021
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36481

SONOMA-MARIN AREA RAIL TRANSIT DISTRICT
– ACQUISITION AND OPERATION EXEMPTION –
NORTH COAST RAILROAD AUTHORITY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

Kevin M. Sheys
Edward J. Fishman
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Counsel for Sonoma-Marín Area Rail Transit District

Dated: February 2, 2021

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36481

SONOMA-MARIN AREA RAIL TRANSIT DISTRICT
– ACQUISITION AND OPERATION EXEMPTION –
NORTH COAST RAILROAD AUTHORITY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

This Verified Notice is filed pursuant to 49 C.F.R. §1150.41 by Sonoma-Marín Area Rail Transit District (“SMART”), a Class III carrier, to exempt from regulation under 49 U.S.C. §10902, SMART’s acquisition of railroad, right-of-way and a freight rail operating easement from North Coast Railroad Authority (“NCRA”) and SMART’s operation of the Subject Line. SMART will acquire (1) the railroad and right-of-way in fee between the Sonoma-Mendocino County, CA border (NWP MP 89)¹ and Healdsburg, CA (NWP MP 68.2) and (2) the freight rail operating easement between Healdsburg, CA (NWP MP 68.2) and Lombard, CA (SP MP 63.4) (together referred to herein as the “Subject Line”).²

Notice

In accordance with 49 C.F.R. §1150.43, SMART hereby provides the following information:

¹ All mileposts designations herein are approximate.

² SMART already owns the segment of the Subject Line between Healdsburg, CA and Lombard, CA. SMART’s acquisition of the Healdsburg-Lombard segment was subject to an easement for freight rail service over the segment. See Sonoma-Marín Area Rail Transit Dist. Acquis. Exemption Nw. Pac. R.R. Auth., FD 34400 (STB served Mar. 10, 2004). By this Notice of Exemption, SMART will acquire the freight rail operations easement. SMART may not need operating authority on the line of railroad between Healdsburg and Lombard, because it already is a common carrier on that segment.

- (a) The full name and address of Applicant: Sonoma-Marín Area Rail Transit District, 5401 Old Redwood Hwy., Suite 200, Petaluma, CA 94954.
- (b) The name, address, and telephone number of the representative of SMART who should receive correspondence: Kevin M. Sheys, Hogan Lovells US LLP, Columbia Square, 555 Thirteenth Street NW, Washington, DC 20004; (202) 637-5600.
- (c) SMART and NCRA have executed an Agreement and proposed Quitclaim (“Transfer Agreement”) pursuant to which SMART will acquire the Subject Line from NCRA.
- (d) SMART will be the freight operator of the Subject Line, using a non-carrier contract operator.
- (e) Brief Summary of the Proposed Transaction:
- (1) North Coast Railroad Authority, 419 Talmage Road, Suite M, Ukiah, CA 95482 is transferring the Subject Line.
- (2) SMART will acquire the Subject Line on or soon after this Notice of Exemption becomes effective.
- (3) The Subject Line is between the Sonoma-Mendocino County, CA border (NWP MP 89) and Lombard, CA (SP MP 63.4).
- (4) The total mileage being transferred is approximately 87.65 route miles.
- (f) A map of the Subject Line is attached as Exhibit A.
- (g) The required certificate affirming that the projected freight revenues as a result of the transaction will not exceed those that would qualify SMART as a Class III carrier is included in the Verification attached as Exhibit B.³

³ SMART further certifies that the projected annual freight revenue of the Subject Line, together with SMART’s current annual freight revenue (which is zero), does not exceed \$5 million.

(h) SMART certifies that the acquisition does not include an interchange commitment.

Labor Protection

SMART is a Class III carrier, and pursuant to 49 U.S.C. §10902(d), exemption of this transaction may not be subjected to labor protection conditions.

Environmental and Historic Reports

Pursuant to 49 C.F.R. §1105.6(c)(1)(i), no environmental documentation should be required because this proceeding involves acquisition and operating authority under 49 U.S.C. §10902 for continued operations that will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (e)(5).

No historic report under 49 C.F.R. §1105.8(b)(1) should be required because this Notice of Exemption merely involves a transaction for the purpose of continued rail operations and further Board approval is required to discontinue or abandon any service. SMART has no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older.

Caption Summary

A caption summary is attached hereto as Exhibit C.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Sheys', followed by a horizontal line.

Kevin M. Sheys
Edward J. Fishman
Carolyn G. Kraska
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street NW
Washington, DC 20004
(202) 637-5600

*Counsel for Sonoma-Marin Area Rail Transit
District*

Dated: February 2, 2021

EXHIBIT A

MAP

MENDOCINO
COUNTY

MP 89
(End of Subject Line)

CLOVERDALE

MP 70.7

HEALDSBURG

WINDSOR

SONOMA
COUNTY

US
101

SANTA ROSA

NAPA
COUNTY

VALLEJO ROUTE |
FREIGHT LINE

BRAZOS | FREIGHT LINE
(SMART OWNED)

SMART | COMMUTER
FREIGHT LINE

ROHNERT
PARK
COTATI

SONOMA

PETALUMA

S MP 63.4
(End of Subject Line)

FAIRFIELD

VACAVILLE

DIXON

CAPITOL | COMMUTER
FREIGHT LINE

SUISON CITY

SOLANO
COUNTY

RIO VISTA

MARIN
COUNTY

NOVATO

MP 25.6

37

VALLEJO
FERRY

80

VALLEJO
BENICIA

80

80



JANUARY 6, 2021



EXHIBIT B

VERIFICATION

VERIFICATION

I, Farhad Mansourian, General Manager of Sonoma-Marín Area Rail Transit District, verify under penalty of perjury that the foregoing is true and correct. Additionally, I certify that the projected revenues of Sonoma-Marín Area Rail Transit District upon consummation of the proposed transaction will not result in the creation of a Class I or Class II rail. Further, I certify that I am qualified and authorized to file the foregoing document.



Farhad Mansourian

Executed on: 2/1/, 2021

EXHIBIT C

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36481

**SONOMA-MARIN AREA RAIL TRANSIT DISTRICT
– ACQUISITION AND OPERATION EXEMPTION –
NORTH COAST RAILROAD AUTHORITY**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902**

Sonoma-Marin Area Rail Transit District (“SMART”), a Class III carrier, has filed a Notice of Exemption under 49 C.F.R. §1150.4, *et seq.*, to acquire from North Coast Railroad Authority (“NCRA”) and operate NCRA’s (1) line of railroad and right-of-way between the Sonoma-Mendocino County, CA border (NWP MP 89) and Healdsburg, CA (NWP MP 68.2) and (2) freight rail operating easement on a line of railroad between the same point in Healdsburg (NWP MP 68.2) and Lombard, CA (SP MP 63.4).

Comments must be filed with the Board and served on SMART’s representative, Kevin M. Sheys, Hogan Lovells US LLP, Columbia Square, 555 Thirteenth Street NW, Washington, DC 20004; (202) 637-5600.

The Notice is filed under 49 C.F.R. §1150.41. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.