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April 27, 2021

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: STB Docket No. AB 1310X
Northwestern Pacific Railroad Company
-Discontinuance of Service Exemption-
In Marin, Napa, and Sonoma Counties, CA

MOTION TO STRIKE

Dear Ms. Brown:

The Northwestern Pacific Railroad Company (“NWPCo”) files this motion to strike the April 21, 2021, Train Riders Association of California, (“TRAC”) reply to NWPCo’s April 16 reply because the TRAC April 21 reply does not provide any additional information for the record in the NWPCo discontinuance proceeding.

Under 49 C.F.R. §1104.13(c), a reply to a reply is not permitted. While in the interest of compiling a complete record, the Board will sometimes waive this rule.¹ In this instance TRAC provides no new information for the Board to consider as it weighs the NWPCo’s petition for

¹ *Kansas & Oklahoma R.R., Inc. – Abandonment Exemption – in Hodgeman, Comanche, Kiowa, and Pratt Counties, KS*, STB Docket No. AB 853 (sub-No. 1X) slip op. t 3 n. 3 (served Apr. 30, 2020).

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exemption. Instead, TRAC “disagrees” ... “asserts” ... “offers a response” and “challenges the validity” of NWPCo’s April 16 Reply, but nowhere does TRAC offer additional information for the Board to consider as related to the NWPCo petition for exempt discontinuance.

TRAC purports to offer new evidence in the form of two verified statements in its reply to the Sonoma Marin Area Rail Transit April 20 Reply. However, those statements add nothing of relevance to the Board’s consideration of NWPCo’s petition for exempt discontinuance and NWPCo respectfully requests that the Board proceed to rule on NWPCo’s petition expeditiously.

Respectfully,



Justin J. Marks
*Counsel to Northwestern Pacific Railroad
Company*

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing was served on the following by
email:

David Schonbrunn
david@schonbrunn.org
Train Riders Association of California

Carolyn Kraska
Carolyn.kraska@hoganlovells.com
Sonoma-Marín Area Rail Transit District



Justin J. Marks

Dated: April 27, 2021