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14 May 2021

For E-Filing

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ENTERED
Office of Proceedings
May 14, 2021
Part of
Public Record

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: North Coast Railroad Authority – Abandonment
Exemption -- in Mendocino, Trinity and Humboldt Counties,
CA, AB 1305X

Statement of Willingness,
Consent to Negotiate, and
Request for Expedited issuance of a Notice of Interim Trail Use

Fee tendered to facilitate filing of “statement of willingness”
but fee exemption requested pursuant to 49 C.F.R. 1002.2(e)

Dear Ms. Brown:

This letter is submitted on behalf of North Coast Railroad Authority (“NCRA”), the abandonment applicant in this proceeding and a public agency of the State of California.

1. NCRA submits herewith a “statement of willingness to assume financial responsibility” pursuant to 49 C.F.R. 1152.29 and 16 U.S.C. 1247(d) seeking the issuance of a Notice of Interim Trail Use (“NITU”) for all lines covered in the above proceeding. Although “statements of willingness” are not due until ten days after this agency publishes the Notice of Exemption for this proceeding, early filing does not violate any rule, prejudices no one, and is permissible.

FILED
May 14, 2021
SURFACE TRANSPORTATION
BOARD

FEE RECEIVED
May 14, 2021
SURFACE
TRANSPORTATION BOARD

2. NCRA is tendering the requisite filing fee for its “statement of willingness” but requests an exemption (refund) pursuant to 49 C.F.R. 1002.2(e) on the ground that it is a public agency of the State of California. Moreover, in seeking the issuance of a NITU, it is clearly not acting as a carrier or owner of a carrier but as directed by the State of California to railbank the line in question for interim trail use and potential future rail use consistent with and as directed by amendments to NCRA’s organic statute set forth in California Senate Bill 1029. See https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1029#:~:text=Section%2093003%20is%20added%20to%20the%20Government%20Code%2C,where%20it%20was%20operational%20on%20January%201%2C%202018 (text of bill as adopted in 2018).

3. NCRA consents to negotiate an interim trail use agreement. This Board has long recognized that a government agency which owns a line may railbank a line with itself for interim trail use. Roaring Fork Railroad Holding Authority – Abandonment Exemption – in Garfield, Eagle and Pitkin Counties, CO, AB 547X, served Oct. 16, 1998, slip op. at 4.

4. In light of the early request for issuance of a NITU and NCRA’s timely consent, NCRA hereby requests that the agency issue a NITU rather than the customary Notice of Exemption subject to later issuance of a NITU when the agency acts on NCRA’s pending notice of exemption in AB 1305X. In such a case, NCRA anticipates that the agency would make the NITU effective 30 days later as it would in the case of a Notice of Exemption. Expediting the issuance of a NITU in this fashion will not prejudice any party or non-party and may obviate the need for further filings in order to secure a NITU.

By my signature below, I certify service by posting a copy of this pleading with USPS on the date of this letter, postage pre-paid, first class addressed to all persons on the service list, which to date is limited to NCRA and David Schonbrunn (Transdef Pres.), P.O. Box 151439, San Rafael, CA 94915.

Thank you for your assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Montange', with a stylized flourish at the end.

Charles Montange
for North Coast Rail Authority

Att: Statement of Willingness

cc (all with attachment): Mitch Stogner (NCRA) (by email)
Elizabeth Coleman, Esq. (for NCRA) (by email)
David Schonbrunn (Transdef)

Before the Surface Transportation Board

North Coast Railroad Authority –)
Abandonment Exemption –) AB-1305X
In Mendocino, Trinity and Humboldt)
Counties, CA)

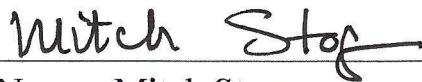
STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, North Coast Railroad Authority (“NCRA” or “Interim Trail User”) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by NCRA and operated by same. The property, known as the NCRA Line, an approximately 175 mile line (and branches) (hereinafter “Line”) that run from (a) Milepost (“MP”) 139.5 at approximately East Commercial Street in Willits to MP 284.1 near Eureka, (b) MP 262.24 near Alton to MP 267.72 near Carlotta (“Carlotta Branch,” approximately 4.98 miles long), (c) MP 284.1 near Eureka to MP 295.57, near Korblex (“Korblex Branch,” approximately 11.47 miles long, and then onward to MP 301.8 at Korbel over NCRA’s Arcata and Mad River (“Annie and Mary”) subsidiary for an additional approximately 6.23 miles), and (d) MP 292.84 near Arcata to MP 300.50 near Samoa (“Samoa Branch,” approximately 7.66 miles long), a distance of approximately 175 miles. The Line is located in Mendocino, Trinity and

Humboldt Counties, CA. The right of way is part of a line of railroad proposed for abandonment in STB docket AB-1305X.

A map of the property depicting the right of way is attached.¹

NCRA acknowledges that use of the right of way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right of way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.



For filing: 5/14/2021

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Rail counsel for North Coast Railroad
Authority

¹ The map is the same used by NCRA in connection with its notice of exemption in AB-1305X.

NCRA Main Line

From Willits North to Eureka

Including Branches and A&MR Subsidiary

LOCATION



LEGEND

- County Line
- River or Creek
- Land Contours (50m)
- U.S. Route 101
- State Highway
- Road
- City Boundary
- Railroad
- Park Land
- Reservations
- Milepost Marker

