

BEFORE THE SURFACE TRANSPORTATION BOARD

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

Great Redwood Trail Agency’s
Comment on Seeker Enterprise’s
“Submittal of Evidence on NCRA’s
Stewardship”

The latest Driscoll/Seeker submission (filed July 29, 2022) misperceives the law, is based on unverified allegations which are false or misleading, and neither seeks nor justifies relief – at least anything that can be lawfully granted -- and for the reasons discussed below should be ignored and/or stricken.

I.

To the extent Driscoll/Seeker intend to claim at p. 1 of their “submittal” that Great Redwood Trail Agency (“GRTA”) is somehow not qualified to railbank the premises, their claims are foreclosed by the federal railbanking statute, agency precedent and the California Legislature’s adoption of SB 69. A prospective trail sponsor is “any state, political subdivision, or qualified private organization.” 16 U.S.C. 1247(d); 49 C.F.R. 1152.29(a). Under agency precedent, this Board therefore allows even a private railroad to “railbank” a property with itself. E.g.,

CSX Transp. – Ab. Ex. – in Pinellas County, Fla, AB 55 (Sub-no. 794X), served June 22, 2020. As the Board there explained, the Board’s role under the Trails Act “is limited. ... [T]he Board need only be assured that the Trails Act has been properly invoked and the statutory requirements of interim trail use/railbanking and the trail sponsor’s assumption of financial and managerial responsibility are met.” Slip at 4. The Board reiterated that it has “no specific fitness or qualification test for trail sponsors.” Id. NCRA/GRTA is an agency of the State of California, and thus a bona fide trail sponsor under 16 U.S.C. 1247(d) and Board precedent. In further affirmation, the California Legislature in SB 69 unquestionably authorized NCRA (as of March 1, 2022, renamed GRTA) not only to own and to operate railroad service on its lines (Cal. Gov. Code 93021), but also to “initiate and complete” proceedings to railbank segments of the line, and to construct and manage trails. Cal. Gov. Code 93022(a). In short, California has designated and empowered GRTA (a) to act as the trail sponsor for this line or any segment thereof, (b) to initiate and to complete railbanking proceedings, and (c) to construct and to operate interim trails. GRTA thus certainly qualifies as a trail sponsor.

II

To the extent Driscoll/Seeker intend to claim that the line does not qualify for railbanking because of high rehabilitation costs, mud glacier conditions, inherent

geological problems, or other conditions rendering rail reactivation remote, and therefore should be allowed to revert to adjoining landowners, their claims are belied by the law. The Supreme Court has determined not only that Congress predicated eligibility for railbanking only on eligibility for abandonment, and not on some post-abandonment assessment of future prospects of rail reactivation, but also that Congress was within its power in doing so:

“That the ICC [now STB] must certify that public convenience and necessity permit abandonment before granting a CITU or NITU does not indicate that the statute fails to promote its purpose of preserving rail corridors. Congress did not distinguish between short-term and long-term rail banking, nor did it require that the Commission [now the Board] develop a specific contingency plan for reactivation of a line before permitting conversion. To the contrary, Congress apparently believed that every line is a potentially valuable national asset that merits preservation even if no future rail use for it is currently foreseeable. Given the long tradition of congressional regulation of railroad abandonments, see, e.g., Colorado v. United States, 271 U.S. 153 (1926), that is a judgment that Congress is entitled to make.”

Preseault v. ICC, 494 U.S. 1, 19 (1986). In addition, the Court explained that the railbanking statute (16 U.S.C. 1247(d)) also serves another bona fide congressional purpose, namely promotion of trails; and that purpose alone is all that is required to justify railbanking an otherwise-to-be abandoned line. See Preseault, supra, 494 U.S. at 18. As this Board recognized in CSX Transp., supra, slip at 4, the net result is that pursuant to the Trail Act, “the Board must ‘preserve established railroad right-of-way for future reactivation of rail service’ by prohibiting abandonment where the trail sponsor agrees to assume certain responsibilities for the right-of-

way for use in the interim as a trail and the railroad consents to negotiate with the sponsor for such use. 16 U.S.C. 1247(d); Nat'l Wildlife Fed'n v. ICC, 850 F.2d 695, 699-702 (D.C. Cir. 1988).” NCRA/GRTA has consented to assume Trails Act responsibilities and agreed to negotiate same. The line in this proceeding is clearly eligible for railbanking.

III.

To the extent the Driscoll/Seeker submittal attacks NCRA’s past stewardship of its rail line with alleged examples of what it evidently regards as actions detrimental to rail service, it again misfires. Before looking at the alleged examples, GRTA first notes that it is unclear what relief Driscoll/Seeker seeks in regard to its purported rail service issues. Indeed, Uri Driscoll d/b/a Seeker Enterprises, LLC, is not a shipper or a railroad, much less a shipper or railroad with a rail service issue, so Driscoll/Seeker lacks standing to seek relief concerning same. Driscoll/Seeker instead is a would-be provider of rail bike excursion experiences in Humboldt Bay (around Eureka) on GRTA’s rail line. Moreover, Driscoll/Seeker has no contract, lease or other agreement with GRTA to allow rail bike or other use, and thus has no contract interest or property right to protect. Driscoll/Seeker simply wishes to subordinate any future trail or other trail-consistent public use on the premises to rail bikes. To this end, Driscoll/Seeker

has unsuccessfully sought (1) to invoke OFA procedures¹ (the Seeker notice of intent to file an OFA was rejected),² (2) to be a trail sponsor (GRTA declined to negotiate with Seeker/Driscoll³), and (3) to obtain ultra vires public use conditions requiring GRTA inter alia to allow Driscoll's use of GRTA's property and to obtain Driscoll's sign off on any bridge design (GRTA has opposed/refuted Seeker/Driscoll's conditions as well as several subsequent claims made concerning same⁴). The Driscoll/Seeker "submittal of evidence on NCRA's stewardship" does not seek any relief – at least that can lawfully be given – and is in the nature of "sour grapes." In addition, the Driscoll/Seeker "submittal" is not a timely reply to anything; it instead is an out-of-time comment, and should have been rejected for filing.⁵

¹ The Seeker notice of intent involved two discontinuous segments: MP 284.75 to 287.75 at or near Eureka and MP 297.5 to 300.1 at or near Samoa. See Decision in AB 1305X served June 10, 2022, at 2.

² Decision in AB 1305X served June 10, 2022 at 2 (rejects Seeker notice of intent). Seeker is ineligible for invoking OFA anyway.

³ See GRTA Reply in AB 1305X filed June 28, 2022 at 3 n.2 (declines to negotiate). Seeker therefore cannot be issued a NITU.

⁴ See *id.* at 3-10 (refutes Seeker public use condition requests and supplements to date as out-of-time and ultra vires) and GRTA Reply filed July 6, 2022 (refutes subsequent additional Seeker motions/supplements to its public use condition request).

⁵ 49 CFR 1104.6 requires timely filing. Per this Board's decision in AB 1305X served May 20, 2022, motions for non-environmental stay were due May 27, 2022 (none filed) and for public use condition requests June 7. Driscoll/Seeker filed a belated request on June 22, supplemented on June 23, and supplemented again under an opposed leave to file on June 30. Per the Corrected Draft EA served

But the insinuations of poor past stewardship in the out-of-time “submittal” are also false and misleading (and thus prejudicial) as shown in the attached Verified Declaration by Elizabeth Coleman, GRTA’s California general counsel (Exhibit A). They should therefore be stricken. To the insinuations, GRTA now turns.

1. Insinuation of cover-up. Driscoll/Seeker at p. 2 insinuates that GRTA is covering up misconduct by NCRA. GRTA’s California legal counsel (Ms. Coleman) acknowledges that Driscoll sought information relating to the track from NCRA, but indicates Driscoll errs in claiming NCRA was unresponsive. See Exhibit A, pp. 1-7 (paragraphs 2-8). First, Driscoll’s requests to date have been both vague and non-specific and thus difficult to address. Second, the documents Driscoll requests in generic terms do not appear to exist because the pattern of events presupposed in his document requests have not occurred. Driscoll treats the absence of documents as a cover-up of GTRA-instigated or approved track removal, when it instead reflects the absence of such a pattern of events. See Coleman Declaration, Exhibit A at p. 3. In any event, GRTA at considerable effort has addressed Driscoll’s repeated and repeatedly changing informational requests.

May 23, 2022, at p. 13, environmental comments were due on June 7, 2022 (none filed). Driscoll/Seeker misses all these deadlines in his latest filing, just as Driscoll/ Seeker has missed deadlines with filings on inter alia June 22, 23, and 30. GRTA opposed all of Seeker/Driscoll’s out-of-time filings.

Id. Per Exhibit A, GRTA simply did not have the documents Driscoll imagines. There is no cover-up.

2. Insinuations about Fisher Creek and Woodman Creek. Driscoll/Seeker, on the basis of documents furnished by GRTA, insinuates that NCRA allowed unlawful track removal at Woodman Creek and Fisher Creek (both locations are in the Eel River watershed and/or canyon, north of MP 152.5). GRTA begins by noting that the track in question has been under a Federal Railroad Administration (FRA) embargo since 1998. See 63 Fed. Reg. 67976 (Dec. 9, 1998). There have been no shippers since that time. In any event, any track removal authorized by NCRA at those locations is consistent with full restoration at any time, and certainly before the track is needed by a bona fide shipper. NCRA acknowledges that commencing in 2013 (some 15 years after the FRA embargo of this line in 1998), it allowed embankment work at those locations for the purpose of restoring fish habitat in the Eel River watershed. However, the work was “only upon the condition that the project proponents stockpile rail material, design the project consistent with rail use, and pay the cost of engineering work necessary to ensure that the project was consistent with the ability to reestablish rail service in the future.” Coleman Declaration, Exhibit A at p. 5. NCRA thus ensured that the line could be restored “at such time as commercial traffic was otherwise ready to resume.” Id. Further expenditure to re-install the stored rail at Bridge Creek and

Woodman Creek would have been a “needless expense” because the two locations had no shippers, no shippers were imminent in light of the fact that the locations were cut off from shippers due to storm events and mud glaciers, and both locations were under an FRA embargo anyway. Finally, the portions of line involved are now authorized for abandonment so the matter is entirely moot.⁶

3. Insinuation about a trail at Fortuna. Driscoll/Seeker insinuate that NCRA authorized a trail in the trackbed at Fortuna some years ago, but the only evidence Driscoll/Seeker submits is an undated, unauthenticated picture showing a large rock between the track and some ballast-like gravel between two tracks of rail. Assuming arguendo the picture on which Seeker/Driscoll relies is at Fortuna, and amounts to a “trail,” there is no unlawful conduct. The placement of the rock and the gravel of which Driscoll/Seeker complain apparently arose in connection with local efforts to remove a homeless encampment. The removal of the encampment was apparently undertaken by a local community organization perhaps supplemented by local police. The large rock was evidently placed to prevent trespass by camping vehicles by the local community organization, law

⁶ See Baltimore & Ohio Railroad, et al. – Abandonment and Discontinuance – in Montgomery County, MD and District of Columbia, ICC docket AB 19 (Sub-no. 112), 1987 ICC Lexis 401 (March 16, 1987) (noting it would be inequitable to require restoration where abandonment authority appears imminent, restoration is a “potential needless expense,” and no shipper is requesting service).

enforcement, or allied parties. Any trail use or trail installation was evidently by either the homeless campers before the right of way was barred to them, or by the community organization (or someone in the community) afterward. In any event, any “trail” (presumably the additional gravel/ballast between the tracks) was without the permission of NCRA: “Any ... placement [of gravel between the tracks] was done by a third party on its own initiative and without prior approval of NCRA.” Coleman, Exhibit A at p. 6. It should also be noted that FRA allows highways and rail lines to be located atop each other so long as the track is not obstructed (the photo does not show the gravel itself to be an obstruction). To the extent Driscoll/Seeker claim the gravel between the rails constitutes an obstruction, “nothing about the unauthorized placement of material ... prevents GRTA from reestablishing rail use.” Id. If the Driscoll/Seeker complaint is about the big rock in the track, that is not a trail but evidently an obstacle to prevent trespassing vehicles from using the track as a trail by which to reconstitute the homeless encampment. In any event, the big rock can be readily removed from the track and indeed far more so than is the case with the many landslides with which Mother Nature has obstructed the line. As with Woodman Creek and Fisher Bridge, the issue is now moot for STB has authorized this segment for abandonment, and it is not subject to OFA.

4. Insinuations about Humboldt County. Finally, Driscoll/Seeker complains that NCRA entered into a lease agreement authorizing Humboldt County to remove track in the Humboldt Bay area. The agreement was intended to allow the County to raise the railbed for flood control purposes as well as construct a rail with trail project. “However, the lease is expressly conditioned on a design compatible with rail use, unless the corridor is railbanked prior to construction.” Coleman, Exhibit A at p. 6. Moreover, the County has “confirm[ed] that Humboldt County will not remove any rail prior to STB’s decision on GRTA’s railbanking request.” Exhibit A at 7. Since this portion of the line has been authorized for abandonment, since there is no OFA pending as to it, and since the County in any event not moving forward absent a railbanking order, the legal issues are entirely moot. The practical issue (exposure of the Nation’s main coastal highway – 101 -- at Eureka to flooding due to inability to raise the railbed until a Surface Transportation Board authorization for abandonment/railbanking becomes effective) remains, but is irrelevant to Driscoll/Seeker and will not be discussed further.

5. Insinuation about lack of notice. Seeker claims at p. 1 of its submittal that NCRA failed to provide “notice.” All activity of which it otherwise complains involved a line already embargoed by the Federal Railroad Administration since 1998. See 63 Fed. Reg. 67976 (Dec. 9, 1998) (safety embargo by FRA). In light

of the fact that the federal government had already embargoed the line indefinitely in 1998 due to unsafe track conditions arising from storm events, tunnel collapse, bridge outage, mud glaciers and so forth, no further notice of embargo is or was required from NCRA for any work on the line, or any further natural disasters on the line. If Driscoll/Seeker complain that NCRA/GRTA should have initiated abandonment/railbanking authorization sooner, their complaint is misplaced because anything authorized by NCRA was consistent with rail restoration and no abandonment was intended. In any event, NCRA/GRTA are now seeking abandonment authorization in accordance with the authority granted by the California Legislature in SB 69, as now manifest in this STB proceeding. In particular, NCRA/GRTA has sought and consented to railbanking for MP 139.5 to end of line at Samoa, Korblex and Carlotta. NCRA/GRTA has certified to compliance with all applicable notice requirements for AB 1305X. No federal, state, or local agency is objecting to any lack of notice to the knowledge of GRTA. In sum, there is no further “notice” required or necessary to provide, and the Driscoll/Seeker “notice” issue is irrelevant or moot or both.

IV.

Failure to address herein any other specific Driscoll/Seeker claim is not an admission of its validity, but a suggestion of its irrelevancy in light of the foregoing.

V.

In conclusion, to the extent that Driscoll/Seeker claim GRTA is ineligible as trail manager, or the line itself is ineligible for railbanking, they are belied by the law. To the extent the July 29 “submittal” merely manifests sour grapes, it fails to request or identify any relief that can be granted, and certainly fails to justify any relief (public use condition or otherwise), so none may be accorded.

Driscoll/Seeker in any event lacks standing to seek relief. In addition, Driscoll/Seeker makes false or misleading statements, relies on unsworn/unverified claims (and an unauthenticated picture), and files well past any applicable deadline for comments or replies. The “submittal of July 29, 2022, should therefore be ignored and preferably stricken.

Certificate of Service. I hereby certify service of the foregoing by email attachment on August 12, 2022 on all parties of record in AB 1305X per the STB website service list as of said date.

Respectfully submitted,

s/Charles H. Montange

Of counsel: Elizabeth Coleman, Esq.
Deputy County Counsel
Office of the County Counsel
Sonoma County
County Administration Center
575 Administration Drive, Room 105A
Santa Rosa, CA 95403
707-565-2421
Fax --2624
Of counsel for NCRA/GRTA

Charles H. Montange
Law Offices of Charles H. Montange
426 NW 162nd St.
Seattle, WA 98177
(206) 546-1936
fax --3739
Rail counsel for NCRA/GRTA

For filing: 12 August 2022

BEFORE THE SURFACE TRANSPORTATION BOARD

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

Declaration of Elizabeth Coleman in Support of Great Redwood Trail Agency's
Comment on Seeker Enterprise's
"Submittal of Evidence on NCRA's Stewardship"

I, Elizabeth Coleman, declare as follows:

1. I am a member in good standing of the bar of the State of California. I serve as General Counsel for the Great Redwood Trail Agency, formerly known as the North Coast Railroad Authority ("Applicant"). I make this declaration pursuant to 49 CFR 1104.5 and 28 USC 1621 in response to allegations by Uri Driscoll in a pleading filed by Seeker Enterprises LLC with the Surface Transportation Board in the above captioned proceeding on July 29, 2022.

2. On Tuesday, June 28, 2022, Mr. Driscoll sent an email to former executive Director Mitch Stogner and Administrative Assistant Hiedy Torres requesting communications and documents from the California Transportation Commission (CTC) regarding the Humboldt Bay South Trail project. On Friday,

July 8, because Ms. Torres was out of the office, I responded to Mr. Driscoll on behalf of GRTA to make sure an initial response was made within the statutory 10 day period.

3. In response to my email, on July 20, Mr. Driscoll stated that he had made a prior request of Ms. Torres, but she had not responded. In a subsequent email on July 20 to Ms. Torres, he included what I considered to be clarifying information that he was looking for “any lease agreements or any other agreement that would allow anyone to remove or cover over track.” Based on the content of his several emails to myself and Ms. Torres relating to his belief that NCRA had allowed permanent decommissioning of track, I interpreted his request to be looking for agreements pursuant to which track would be permanently removed. I determined that NCRA/GRTA had no documents responsive to that request because, based upon my conversations with former Executive Director Stogner and rail engineer David Anderson, no projects were approved or completed with NCRA authorization that would permanently remove rail (or authorize any use) incompatible with rail use. NCRA/GRTA staff nonetheless forwarded the agreement between NCRA and the County of Humboldt, which Staff construed to be what Mr. Driscoll wanted, with explanatory language regarding our interpretation of his request.

4. In a follow up email, on July 20, Mr. Driscoll indicated that the agreement forwarded was not what he was looking for, and on July 26, Ms. Torres forwarded him the agreements she was able to locate, with the assistance of former Director Stogner, that she believed were responsive to his request, including the Board of Directors documents that he included or cited in his filing to the Surface Transportation Board.

5. Since that time, Mr. Driscoll has sent several follow-up emails to me and to Ms. Torres, indicating that the agreements provided still do not include the information that Mr. Driscoll is requesting. GRTA staff and myself have conferred on several occasions in an attempt to provide any and all documents requested by Mr. Driscoll, and continue to provide responses to his ongoing requests for documents, several of which have been received since his current filing. As of the date of this declaration, GRTA has supplied all documents in its possession responsive to Mr. Driscoll's requests. Mr. Driscoll is apparently engaged in a logical fallacy: he accuses NCRA of engaging in conduct unbecoming a railroad and on the basis of NCRA's failure to produce evidence of same contends that NCRA so engaged. But, contrary to Mr. Driscoll, the absence of evidence indicates that NCRA did not so engage.

6. At this time, GRTA's staff is comprised solely of a single Administrative Assistant, who does not have personal knowledge of all NCRA

transactions or the terms of all agreements to an extent that would allow her to quickly respond to Mr. Driscoll's multiple and vague requests for agreements, which are generally phrased in terms of what unidentified documents may contain, or in terms of a generalized description of concepts Mr. Driscoll believes must exist in the document. Lacking any other more readily ascertainable method of identifying such documents, such as the date or parties to the agreements sought, staff has diligently undertaken significant efforts to determine if any documents are responsive, and provide them. To the best of my knowledge and understanding based on personal observation and conversations with Ms. Torres, GRTA's staff has acted in good faith to comply with the requests of Mr. Driscoll to provide documents responsive to his requests. Based on extensive discussions with current and former staff, it is my understanding and belief that every document that could reasonably be construed as responsive to Mr. Driscoll's requests has been provided. GRTA staff so confirmed via email correspondence to Mr. Driscoll.

7. Despite the contrary implications of Mr. Driscoll, I have not undertaken to obfuscate or withhold documents relevant to his request(s). I have personally engaged former Executive Director Stogner to help GRTA staff locate potentially responsive documents not described with sufficient particularity for staff to locate them on several occasions since his retirement, for the sole purpose of responding as fully as possible to Mr. Driscoll's requests. I have not observed

any evidence from the conduct of GRTA staff or the content of the documents maintained by GRTA that any attempt to “cover up” inculpatory documents is occurring. Again and again, Mr. Driscoll appears to be concluding that documents that do not exist are in fact held by GRTA and being actively withheld from him. No facts I have observed support this contention.

8. Mr. Driscoll alleges that NCRA allowed track to be removed permanently without replacement at several locations, specifically referencing the Woodman Creek and Bridge creek projects undertaken for environmental reasons in 2013, long after the 1998 FRA safety embargo of the affected portion of the line. The NCRA Board of Directors approved the Woodman Creek and Bridge Creek fish habitat restoration projects, which involved embankment work and not bridge removal, only upon the condition that the project proponents stockpile rail material, design the project consistent with rail use, and pay the cost of engineering work necessary to ensure that the project was consistent with the ability to reestablish rail service in the future. It is inaccurate to state that either project was allowed with no intention of ever restoring rail. Rather, both projects were approved expressly on terms that they would not interfere with the restoration of the line at such time as commercial traffic was otherwise ready to resume.

9. Mr. Driscoll alleges actions incompatible with rail were approved by NCRA in the placement of gravel at a location on the line in Fortuna. Upon

information and belief after several conversations with former Executive Director Stogner, and a review by GRTA staff of files yielding no such Board approval, this is also false or misleading. NCRA was apparently apprised of vehicular trespass resulting in law enforcement activity on its right of way at or near Fortuna. A citizen's group sought permission to place obstacles in the right of way to prevent the trespass. NCRA's Board discussed the placement of obstacles at the location in question but did not approve the placement of any materials in the nature of a trail at this location. Any such placement was done by a third party on its own initiative and without prior approval of NRCA. Judging from the picture of the location furnished by Mr. Driscoll, nothing about the unauthorized placement of material on a portion of the track prevents GRTA from reestablishing rail use. And of course nothing in this instance evidences any intent by NCRA/GRTA to foreclose resumption of freight traffic.

10. Mr. Driscoll appears to allege improper stewardship by NCRA in entering into a lease agreement with Humboldt County for the purpose of allowing the County to raise the railbed (to prevent flooding of the Nation's coastal highway) and to allow construction and operation of a trail on a portion of the right of way. However, the lease is expressly conditioned on a design compatible with rail use, unless the corridor is railbanked prior to construction. It is my understanding that the project has been fully designed, at great expense to the

County of Humboldt, to be fully compatible with commercial rail operations, even though the line in question has been embargoed since 1998 and restoration of rail service would take years and likely require the roadbed to be raised to protect it from flooding for the same reasons it needs to be raised to protect the coastal highway from flooding. To be clear, no construction has occurred, or will occur, that is in any way incompatible with rail use unless railbanking is completed first. In addition, the County has corroborated this in an email from Mr. Seeman on which I am personally copied stating as follows:

“On behalf of Humboldt County, I confirm that Humboldt County will not remove any rail prior to STB’s decision on GRTA’s railbanking request.”

A copy of this email is attached.

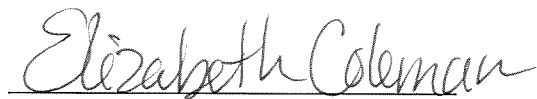
11. Mr. Driscoll ends his filing implying that the matters he discusses are merely the tip of the iceberg of many undisclosed transactions. This is simply not the case. GRTA has responded to all currently submitted requests, including those purportedly under the Public Records Act, and including those made as late as August 3, 2022. GRTA has withheld no documents sought by Mr. Driscoll. Documents establishing an intent to permanently abandon rail usage of the corridor prior to abandonment authorization from the STB have not been provided because,

to the best of my knowledge and understanding after the above-described investigations, they do not exist.

12. Mr. Driscoll should take note that Mr. Stogner is now retired and no longer under any legal obligation to respond to requests for information concerning NCRA/GRTA. Until otherwise advised, he should copy the undersigned on all of his requests to NCRA/GRTA rather than Mr. Stogner.

I declare under penalty of perjury that the foregoing is true and correct true and correct to the best of my knowledge. Further, I certify that I am qualified and authorized to make this Declaration for filing in AB 1305X.

Executed this 5 day of August, 2022, in San Luis Obispo, California.

A handwritten signature in cursive script that reads "Elizabeth Coleman". The signature is written in dark ink and is positioned above a horizontal line.

Elizabeth Coleman

From: Seemann, Hank
To: CARYL HART
Cc: C. Montange; Elizabeth Coleman; "Gear, Karyn@SCC"; NageonDelLestang, Simone@SCC
Subject: AB 1305X
Date: Tuesday, August 2, 2022 12:12:26 PM

EXTERNAL

Chair Hart-

On behalf of Humboldt County, I confirm that Humboldt County will not remove any rail prior to STB's decision on GRTA's railbanking request.

Hank

Hank Seemann
Deputy Director - Environmental Services
Humboldt County Public Works Department
1106 Second Street
Eureka, CA 95501
707-268-2680

From: CARYL HART <carylo@me.com>
Sent: Saturday, July 30, 2022 5:25 PM
To: Seemann, Hank <HSeemann@co.humboldt.ca.us>
Subject: AB 1305X

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

This is in my capacity as Chair of the GRTA Board of Directors. Because of allegations that GRTA has authorized Humboldt County to remove some rail for public works projects during the pendency of the current proceeding in STB docket 1305X, please confirm to me that Humboldt County will not remove any rail pending an effective railbanking order.

Caryl Hart

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.
Warning: If you don't know this email sender or the email is unexpected,
do not click any web links, attachments, and never give out your user ID or password.