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October 18, 2022

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: North Coast Railroad Authority – Abandonment Exemption – In
Mendocino, Trinity, and Humboldt Counties, Cal., AB-1305X.

Dear Ms. Brown:

As counsel for Mendocino Railway (“MR”), I write to correct the record regarding the date on which MR filed its Offer of Financial Assistance (“OFA”) and to briefly address the motion to strike filed last night by Great Redwood Trail Agency, formerly named North Coast Railroad Authority (collectively “GRTA/NCRA”).

With respect to the filing date of the OFA, the Board’s website reflects a filing date of Monday, October 17, 2022. See Filing ID 305482, entered into the record by the Office of Proceedings on October 17, 2022. Given that on September 15, 2022, GRTA/NCRA filed its certification of compliance with 49 CFR § 1152.27(a), MR then had 30 days from that date to file its OFA. See June 24th Decision. In accordance with 49 CFR §1152.25(d)(4), OFAs are to be timely filed even if that filing date falls on a Saturday. Accordingly, MR filed its OFA on Saturday, October 15, 2022, and served it on all parties of record on that date. OFA deadlines are to be strictly enforced. See June 10th Decision. MR respectfully requests that the record reflect that the filing was timely filed. The Saturday filing date is important as it sets the deadline for the Director of the Office of Proceedings to accept or reject the OFA. See 49 CFR §1152.27(e)(2).

With respect to the motion to strike, if relevant and necessary, and unless otherwise directed by the Board, MR intends to file its reply no later than 20 days after last night’s filing.

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See 49 CFR §1104.13. At this stage, however, MR points out that the numerous assertions stated therein are just that – assertions. These allegations and assertions are not supported by facts or legal findings that MR’s appraiser’s actions were illegal under California state law. Access to a railroad right-of-way may be obtained by any person through voluntary consent/agreement, an order of the STB, or pursuant to California state law. MR’s appraisal was in compliance with California state law. If GRTA/NCRA believes otherwise, they can pursue the matter under California law. With respect to the Board’s processes and authority, which Congressional intent and the Board’s OFA processes are rightfully focused on preserving or providing rail service to shippers,¹ there is no basis to reject any of the evidence submitted in MR’s OFA.

If there are any questions concerning this e-filing, please contact me by telephone at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com. If I am unavailable, you may contact Crystal Zorbaugh at czorbaugh@bakerandmiller.com (202) 663-7831.

Sincerely,

/s/ William A. Mullins

Attorney for Mendocino Railway

cc: Parties of Record

¹ R.J. Corman Railroad Property, LLC – Abandonment Exemption – In Scott, Campbell, and Anderson Counties, Tenn., AB-1296X, 2020 STB Lexis 400 (STB served Sept. 22, 2020)(See Dissent, Board Member Oberman).