

November 15, 2022

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-001

Re: Oakland Global Rail Enterprise—Petition for Exemption—Authority to Operate a Rail
Line in Oakland, California, Finance Docket No. 36312

Dear Ms. Brown:

On behalf of my client the City of Oakland, California (“City”), I respectfully submit this letter addressing assertions made by Oakland Global Rail Enterprise, LLC (“OGRE”) in its status update letter filed November 4, 2022, in these proceedings.

OGRE states in its November 4th letter that “the City insisted that certain provisions be included in any settlement (primarily related to the offloading of commodities at the Terminal) that would restrict OGRE’s rail switching services at the West Gateway,” and that “OGRE objected to these requested provisions and any other provisions that could interfere with OGRE’s common carrier obligations.”

The City would like to clarify that it has not proposed settlement terms that would interfere with common carrier activities necessary to serve the West Gateway tenant property.

Trial is currently set for April 21, 2023, but the City continues to actively seek to resolve this dispute through a negotiated settlement and requests that the Board continue to hold these proceedings in abeyance pending resolution in court or through negotiations.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Christian Alexander

cc: Parties of Record

Certificate of Service

I hereby certify that I have this 15th day of November, 2022, caused to be served a copy of the foregoing letter upon all parties of record by e-mail:



Christian L. Alexander