

BEFORE THE SURFACE TRANSPORTATION BOARD 306345

Great Redwood Trail Agency -	)	ENTERED
Adverse Abandonment -	)	Office of Proceedings
Mendocino Railway in Mendocino	)	March 20, 2023
County, CA	)	Part of
		Public Record

**TRANSDEF REPLY TO GRTA's PETITION FOR PARTIAL WAIVER
OF ABANDONMENT REGULATIONS AND FOR EXEMPTION
FROM STATUTORY REQUIREMENTS**

The Transportation Solutions Defense and Education Fund ("TRANSDEF") was the first party to file comments when abandonment was proposed for the NWP. TRANSDEF and its sister organization, the Train Riders Association of California, have consistently opposed the abandonment of NCRA (now, GRTA) trackage, out of the recognition of rail's energy efficiency and California's need for alternative modes of transportation.

While TRANSDEF has no objections to rails with trails—trails alongside the tracks—we strongly oppose GRTA's intention to railbank its line from Cloverdale to Willits. We vehemently oppose the removing of tracks or the covering of them with dirt and gravel. California needs to keep its existing rails intact.

TRANSDEF respectfully offers the following Reply to GRTA's recent Petition for Partial Waiver of Abandonment Regulations and for Exemption from Statutory Requirements ("Petition").

TRANSDEF asserts that GRTA's attack on the federal rights of Mendocino Railway are a clever deflection away from the proper procedure to resolve the fate of the last remaining un-railbanked segment of its own Line, namely the segment between Cloverdale and Willits. The looming question being desperately avoided is whether Mendocino Railway or its parent holding company will be allowed to make an Offer of Financial Assistance ("OFA") for that segment of GRTA's Line.

The pending Petition is intended to preempt that question from ever being asked. As such, TRANSDEF asserts the Petition has been filed for improper purposes, and requests that action on it be held in abeyance until the disposition of the Cloverdale to Willits segment has been resolved. Clearly, GRTA sole interest in the affairs of Mendocino Railway results from the legal effect of MR's rights on that segment:

However, GRTA cannot seek abandonment of this remaining portion of the GRTA Line and railbank it in accordance with the Act based on STB precedent if it is attached to the MR in Willits; otherwise, it would leave the Line stranded from the interstate network.¹² (Petition at 7.)

TRANSDEF is confident that an OFA process for the Cloverdale to Willits segment will result in a successful application offering strong financial resources and a healthy list of shippers desiring service. Such a result would clearly be consistent with STB's Rail Transportation Policy 4: "To ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;"

TRANSDEF asserts that the restoration of freight and passenger service to Willits would be in the public interest, especially given California's state policy calling for a reduction in Vehicle Miles Travelled, both of cars and trucks, to reduce both congestion and greenhouse gas emissions:

Achieve a per capita VMT reduction of at least 25 percent
below 2019 levels by 2030 and 30 percent below 2019 levels
by 2045.

(2022 Scoping Plan Update, California Air Resources Board, p. 194, accessible at: ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf)

If the Board does not choose to place the processing of the Petition in abeyance, TRANSDEF formally objects to the granting of GRTA's request for Partial Waiver of Abandonment Regulations and for Exemption from Statutory Requirements, as the request is calculated to prevent the restoration of freight and passenger rail service, which is contrary to the mission of the Board.

I certify that all parties to this proceeding, as of today, have been served this Reply.

Dated: March 19, 2023



David Schonbrunn, President