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Transportation Solutions for the 21st Century

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May 16, 2024

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VIA-E-FILING

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

ENTERED
Office of Proceedings
May 16, 2024
Part of
Public Record

Re: Great Redwood Trail Agency – Adverse Abandonment – Mendocino Railway in Mendocino County, California, AB-1305 (Sub-No. 1)

Dear Ms. Brown:

Mendocino Railway (“MR”) respectfully requests a 20-day extension (from May 28, 2024, to June 17, 2024) of the due date for filing protests and written comments in response to the Adverse Abandonment Application filed by the Great Redwood Trail Agency (“GRTA”) seeking adverse abandonment of approximately 40-miles of rail line owned by MR (the “Line”). In view of the fact that comments are currently due to be filed on May 28, 2024, MR respectfully requests that the Board consider this change in the procedural schedule on an expedited basis. I am authorized by counsel for GRTA to state the GRTA has consented to this request.

On April 12, 2024, GRTA filed an application requesting the Surface Transportation Board (“Board”) authorize the adverse abandonment of MR’s Line that extends from Fort Bragg, CA (Milepost 0) to Willits, CA (Milepost 40) in Mendocino County, California. MR promptly served GRTA with MR’s First Discovery Requests Directed to GRTA on April 18, 2024 (“MR’s First Discovery Requests”). GRTA requested several extensions for producing the documents, for which MR consented. On May 15, 2024, GRTA produced the documents pursuant to MR’s First Discovery Requests. In order to provide sufficient time for MR to adequately review the documents and provide an informed and complete response to the adverse abandonment of its Line, MR and GRTA have conferred and have mutually agreed that a 20-day extension is fair and adequate in light of ongoing discovery.

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The Board has regularly modified the procedural schedule and granted extensions of the 45-day protests and written comment filing period¹ in previous adverse abandonment proceedings. See The City of Chicago, IL – Adverse Abandonment – Chicago Terminal Railroad in Chicago, IL, AB-1036 (STB served March 4, 2010) (Board extended all applicable procedural dates by 30 days where both the applicant and protestant concurred in the request); and Seminole Gulf Railway, LP – Adverse Abandonment – In Lee County, FL, AB-400 (Sub-No. 4) (STB served July 30, 2004) (Board extended the request for filing protests and comments where both parties agreed to the sought extension). Indeed, the Board has extended the procedural schedule in an adverse abandonment proceeding as many as ten times where parties both agreed to extensions of time. See East St. Louis Junction Railroad Co. – Adverse Abandonment – In St. Clair County, IL, AB-838 et al. (STB served June 6, 2007).²

For the reasons stated above and in conjunction with Board precedent, MR, with the support of GRTA, respectfully requests this Board extend the filing deadline for protests and written comments in this adverse abandonment proceeding by 20-days, from May 28, 2024, to June 17, 2024.

Respectfully submitted,

/s/ William A. Mullins

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¹ 49 C.F.R. § 1152.26 establishes the procedural schedule for abandonment and discontinuance applications, which allows for 45 days from the time the application is filed for the filing of protests and comments, including opposition case in chief, and for public use and trail use requests. As discussed in this request, the Board has modified this governing schedule when the circumstances present a need for additional time.

² The Board has also extended the procedural schedule in an adverse abandonment proceeding even where the applicant has opposed such an extension. See Waterloo Railway Co. – Adverse Abandonment – Lines of Bangor and Aroostook Railroad Co. and Van Buren Bridge Co. in Aroostook Co., Me, AB-124 (Sub-No. 2), slip op. at 1 (STB served Nov. 21, 2003).