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BEFORE THE

SURFACE TRANSPORTATION BOARD

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June 17, 2024
Part of
Public Record

STB Docket No. AB-1305 (Sub-No. 1)

GREAT REDWOOD TRAIL AGENCY
- ADVERSE ABANDONMENT -
MRY IN MENDOCINO COUNTY, CALIFORNIA

**COMMENTS OF
THE CALIFORNIA SHORT LINE RAILROAD
ASSOCIATION IN OPPOSITION TO
APPLICATION
FOR ADVERSE ABANDONMENT**

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On April 12, 2024, the Great Redwood Trail Agency (“GRTA”) filed an Application for Adverse Abandonment (“Adverse Application”) pursuant to 49 U.S.C. Section 10903(d) and 49 C.F.R. Section 1152.22. GRTA, a common carrier subject to the jurisdiction of the Board, seeks adverse abandonment of a line of railroad owned by Mendocino Railway (“MRY”) known as the Mendocino Line. MRY is a freight common carrier railroad subject to the jurisdiction of the Board. The rail line segment that GRTA seeks to have abandoned is the Mendocino Line, a line of railroad subject to the Board’s jurisdiction.

On June 17, 2024, MRY filed its Protest and Comments, opposing Adverse Application. The California Short Line Railroad Association (CSLRA) is filing this letter in support of MRY’s position that the Board dismiss the Adverse Application. This support is based on the basic premise that GRTA simply did not meet its burden of proof in the balancing test that

governs an abandonment established by the STB (and its predecessor, the ICC), whether the present or future public convenience and necessity permit the proposed abandonment.

CSLRA'S INTEREST IN THIS PROCEEDING

CSLRA is a trade association representing the interests of 25 California short line railroad members in legislative and regulatory matters. MRY is one of those members. California short lines operate over 1,400 miles of track, providing critical first mile/last mile service to shippers and in many cases serving customers who otherwise would be cut off from the national railroad network. Both in legislative matters before Congress and in regulatory and legal proceedings before the Board, other federal agencies, and the courts, CSLRA advocates for enlightened public policies which promote a strong short line rail component for the national transportation infrastructure.

COMMENT

CSLRA strongly believes that adverse abandonment requests such as the one now before the Board present a serious threat to the long-term viability of the national freight rail system, and to California short lines in particular. They threaten short lines for whom seemingly small and insignificant pieces of rail line are much more critical to their economic and operational viability than to vast and powerful Class I national railroads. If approved, adverse abandonments like this one will slowly but surely chip away small pieces of the national and California state rail infrastructure to the detriment of future generations of shippers. Approval of this adverse abandonment would also be contrary to the California State Transportation Plan and California State Rail Plan, which seek to preserve and develop rail

service as an alternative to ever-more crowded highways, with associated road wear, traffic congestion, higher accident rates and air pollution issues.

Short line railroads, such as MRY and other members of CSLRA, are locally based and have the knowledge of the local economy and the flexibility to develop rail opportunities that may have not been imaginable in the past. Indeed, in buying low-density rail lines from Class I railroads, they rely on these abilities to grow and succeed. Thus, so long as MRY is making good faith reasonable efforts to develop rail uses for the line, it should be given the opportunity to preserve rail service opportunities.

Further, in an adverse abandonment proceeding, the applicant has the burden of proof that the opposing railroad has no likelihood of success in preserving the line for rail service. MRY has presented evidence and argument showing that the present and future public need for service on the Mendocino Line. Moreover, it has shown there is a reasonable expectation that will extend into the future. The evidence submitted by MRY also shows that shippers have committed to moving their freight from truck to rail. This is bolstered by the fact that MRY has obtained a RRIF grant to restore a section of the Mendocino Line, which when restored will permit the full restoration of freight and passenger service on the line.

CONCLUSION

For these and the other evidence adduced by MRY in this matter, CSLRA submits that the STB should dismiss the GRTA Adverse Application. CSLRA appreciates the opportunity to present its views on this important issue.

Respectfully submitted,



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June 17, 2024

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served on the following persons by U.S. or electronic mail this date:

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A handwritten signature in blue ink, appearing to read "Anthony Madrigal Sr.", with a stylized flourish at the end.

June 17, 2024