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BEFORE THE

SURFACE TRANSPORTATION BOARD

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

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

**COMMENTS OF
THE AMERICAN SHORT LINE
AND REGIONAL 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. ASLRRRA 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.

ASLRRA'S INTEREST IN THIS PROCEEDING

The American Short Line and Regional Railroad Association (“ASLRRA”) is a national trade association representing the interests of approximately 600 short line and regional railroad members in legislative and regulatory matters. Short lines operate 47,500 miles of track in the United States, or approximately 29% of the national freight network, touching in origin or destination one out of every five cars moving on the national railroad system, 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, ASLRRA advocates for enlightened public policies which promote a strong regional and short line rail component for the national transportation infrastructure.

COMMENT

The ASLRRA 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. They particularly threaten short lines for whom these 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 chunks and pieces of the national rail infrastructure to the detriment of future generations of shippers whose rail transportation needs, though unimagined today, must nevertheless be protected today if they are

to be accommodated in the future. Taken alone, small adverse abandonment requests may seem insignificant, but like drops of water they can collectively marginalize the national rail infrastructure and cause short line businesses to disappear entirely, even though the necessity of a strong rail system for the future becomes clearer every day.

Short line railroads, such as MRY and other members of ASLRRA, 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, ASLRRA submits that the STB should dismiss the GRTA Adverse Application. ASLRRA appreciates the opportunity to present its views on this important issue.

Respectfully submitted,

A handwritten signature in dark ink, reading "Sarah Yurasko". The signature is written in a cursive, flowing style with a large initial "S".

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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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June 17, 2024