

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-1305 (Sub-No. 1)

GREAT REDWOOD TRAIL AGENCY
- ADVERSE ABANDONMENT -
MENDOCINO RAILWAY IN MENDOCINO COUNTY, CA**GREAT REDWOOD TRAIL AGENCY'S REQUEST FOR EXTENSION OF TIME**

Great Redwood Trail Agency ("GRTA") through counsel respectfully requests that the Surface Transportation Board (the "STB" or the "Board") extend the time for GRTA to file replies to the protests and comments filed in response to its Application for Adverse Abandonment (the "Application") by thirty (30) days. In support of this request, GRTA states the following:

Pursuant to 49 C.F.R. § 1152.25(c)(1), protests and comments opposing an application for adverse abandonment are due within 45 days of its filing, and the applicant's replies to protests and comments are due within 60 days of the filing of its application. Put differently, an applicant has 15 days to file its replies. GRTA filed the application on April 12, 2024. *See* Doc. ID 308189. Pursuant to Section 1152.25, the Board issued a Notice on May 2, 2024, setting a deadline of May 28, 2024 for the filing of protests or comments opposing the application. *See* Doc. ID 52122. The Board also set a deadline of June 11, 2024 for GRTA to file its replies to protests and comments. *See id.* However, on May 16, 2024, MR filed a request for extension of time to file protests and comments by 20 days to complete its review of discovery received from GRTA. *See* Doc. ID 308321. GRTA and MR conferred regarding this request and GRTA consented to it. *See id.* The Board granted MR's request to extend the time for filing protests and written comments by 20 days. *See* Doc. ID 52153. MR filed its protest and four other interested parties filed comments and a motion to strike by the June 17th deadline. *See* Docs. ID 308739, 308388, 308399, 308398, 308396, & 308393.

Neither MR's request for extension of time, nor the Board's decision granting it addressed the related deadline for GRTA's replies to protests and comments. If the 20-day extension of time to file protests and comments applied equally to GRTA's responsive deadline, GRTA's replies to the protest and 4 comments are due on July 1, 2024, or 14 days after June 17. If, as suggested by Section 1152.25(c)(1), GRTA has 15 days to file its replies, GRTA's filing deadline is July 2, 2024.

Good cause exists for the Board to grant GRTA's request for an extension of 30 days to file its replies. *See* 49 C.F.R. § 1104.7(b). First, GRTA has pending discovery requests which it served on MR on June 17, 2024. MR's responses are due on July 2, 2024. Second, at 715 pages, MR's protest is voluminous. There are four additional comments GRTA must prepare responses to during the same time. In addition, MR filed on the same date a motion to strike a large portion of the GRTA Application amounting to another 29-page filing. MR had a total of 66 days to prepare its response to GRTA's application. Although GRTA cooperated in the extension of time requested by MR, MR does not consent to this request. Finally, GRTA's agency counsel will be out of the office and unavailable between June 28th and July 3rd.

GRTA requests an additional 30 days to prepare and file its replies, such that the new filing deadline will be August 1.

Respectfully submitted,

/s/ Daniel R. Elliott
Daniel R. Elliott
GKG Law, P.C.
1055 Thomas Jefferson St., NW
Suite 620
Washington, DC 20007
(202) 342-5248
delliott@gkglaw.com

Attorney for Great Redwood Trail Agency

Dated: June 18, 2024

Certificate of Service

I hereby certify that on this 18th day of June 2024, I caused the foregoing Motion to be served by First Class Mail or more expedient method on the following:

Crystal Zorbaugh
2401 Pennsylvania Avenue NW
Washington , DC 20037

Catherine Julie Golden
P.O. Box 340
Hopland, CA 95449

Danelle Storm Rosati
87 Selby lane
Atherton, CA 94062

David Schonbrunn
P.O. Box 151439
San Rafael, CA 94915

William A. Mullins
2401 Pennsylvania Ave NW
Washington, DC 20037

Bruce Silvey
Humboldt Trails Council
PO Box 7164
Eureka, CA 95502

Michael Pechner
914 Marietta Court
Fairfield, CA 94534

Sean Radomski
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 1000
Arlington, VA 22201

Sarah G Yurasko
American Short Line and Regional
Railroad Association
50 F Street NW, Suite 500
Washington, DC 20001

Donald G. Norton
California Short Line Railroad
Association
28364 S. Western Avenue #67
Rancho Palos Verdes, CA 90275

/s/ Daniel R Elliott

Daniel R. Elliott