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July 21, 2026
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July 21, 2026

VIA EMAIL

VIA ELECTRONIC FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Re: Docket No. AB-1351X, *St. Paul & Pacific Railroad Company, LLC—Discontinuance of Service Exemption—in Santa Cruz County, Cal.*

Friends of the Rail and Trail (“FORT”) respectfully submit this reply to the July 17, 2026, motion to strike filed by St. Paul & Pacific Railroad Company, LLC (“SPPR”). SPPR contends that FORT violated the Board’s rule of practice at 49 C.F.R. § 1104.13(a), which requires replies to pleadings to be filed within 20 days, because FORT filed its petition 30 days after the notice of exemption. SPPR, however, ignores the more specific filing requirements that govern exemption proceedings, making its motion plainly incorrect. SPPR also included in its motion a supplemental reply to FORT’s petition, which FORT does not address here.

SPPR simply overlooks the more specific filing regulations that apply directly to exempt discontinuances of service and petitions to revoke in exemption proceedings. First, “[p]etitions to revoke an exemption or the notice of exemption may be filed at any time.” 49 C.F.R. § 1121.4(f). In addition, 49 C.F.R. § 1152.50(d)(3) provides, in relevant part, that “[p]etitions to stay the effective date of the notice on grounds other than environmental or historic preservation must be filed within 10 days of publication... If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*, and the Board shall summarily reject the exemption.” Clearly, these two more specific filing regulations override the generic 20-day reply requirement relied on by SPPR.



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FORT filed its petition to stay and reject the notice on July 15, 2026. The petition to revoke is timely because the regulation provides that it “may be filed at any time.” The petition to stay is also timely because it must be filed “within 10 days of publication,” and the Board has not yet published the notice in the *Federal Register*. Accordingly, the 10-day period has not begun to run.

Therefore, FORT respectfully asks the Board to deny the SPPR motion to strike. Alternatively, FORT asks the Board to permit this filing as there would be no prejudice against SPPR as the mandatory publication in the Federal Register has still not occurred.

Very truly yours,

/s/ Daniel R. Elliott

Daniel R. Elliott
Counsel for FORT

Cc: All parties of record