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A Commitment to Service

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**ENTERED
Office of Proceedings
November 23, 2016
Part of
Public Record**

November 23, 2016

Via E-Filing

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington D.C., 20423-0001

**Re: Docket No. NOR 42148
North Coast Railroad Authority and Northwestern Pacific Railroad
Company v. Sonoma-Marin Rail Transit District**

Dear Ms. Brown:

The County of Napa, a political subdivision of the State of California, hereby gives notice of intent to participate in the above-captioned proceeding and submits the accompanying formal Notice. The County will be represented by the undersigned who can be served at the address stated above. The County wishes to be added as a party of record and intends to participate in this proceeding through the submission of a brief and other filings as appropriate or requested. If you or the parties to the proceeding have any questions about this filing, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffrey M. Richard".

Jeffrey M. Richard
Chief Deputy County Counsel

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET No. NOR 42148

**NORTH COAST RAILROAD AUTHORITY AND
NORTHWESTERN PACIFIC RAILROAD COMPANY V.
SONOMA-MARIN AREA RAIL TRANSIT DISTRICT**

**NOTICE OF INTENT TO PARTICIPATE
BY THE COUNTY OF NAPA, STATE OF CALIFORNIA**

The County of Napa ("Napa County"), a political subdivision of the State of California, submits this Notice of Intent to Participate in Docket No. 42148. The subject of this proceeding is a Petition filed by the North Coast Railroad Authority (the "Authority") and the Northwestern Pacific Railroad Company (the "Railroad") against the Sonoma-Marín Rail Transit District ("SMART"). The Petitioners challenge SMART's action denying a track warrant to allow the Railroad to transport 12 tank cars carrying liquefied petroleum gas ("LPG") along a rail line that is apparently owned by SMART and over which SMART holds dispatching authority pursuant to an agreement with the Authority. SMART had previously issued track warrants that allowed the Railroad to move approximately 80 LPG tank cars along the line to the Schellville railyard where they are or have recently been stored by the Railroad.

The impact of SMART's action to withhold the warrant for the movement of the 12 tank cars is that they are now apparently stranded indefinitely (pending the outcome of this proceeding) in a smaller railyard known as the Lombard yard located in Napa County and in the City of American Canyon. The County is informed and believes that the 12 tank cars are located in such a way at the Lombard railyard that they must be moved back and forth on a daily basis in order to allow other rail traffic to get by.

The County is informed and believes that the Lombard yard and the 12 tank cars are located in close proximity to an elementary school, residences and businesses. Commissioner Begeman in his partially concurring opinion in the Board's decision denying the Railroad and Authority's request for a preliminary injunction aptly notes the significant public health and safety risks posed by having the 12 LPB tank cars remain in the Lombard yard and be subject to such daily movements. His opinion notes, in pertinent part, as follows:

"As today's decision explains, the only way for traffic to move and service to be provided is for NWPCo to move the 12 LPG cars about a mile onto a siding.

NWPCo will then move the traffic past the interchange point and move the 12 loaded LPG cars from the siding back to the interchange point. I disagree with the majority's conclusion that this is merely 'extra work' and 'an inconvenience....' I am very concerned about NWPCo's indefinite undertaking of 'pushing the 12 cars about a mile' and then back into place on the line each

and every time it needs to provide rail service to its customers. This strikes me as a recipe for a serious accident. I fully recognize that other federal agencies have far more expertise on some of these concerns, and I would welcome their prompt input.

“Instead of merely denying a preliminary injunction, I believe the Board should direct Sonoma-Marín Area Rail Transit District (SMART) to show cause why moving the 12 LPG cars into the Schellville yard is contrary to the public interest versus having the cars moved back and forth indefinitely from the interchange point. NCRA and NWPCo should respond as well. At the same time, the Board should direct NWPCo to continue to keep the other 30 loaded LPG tank cars bound for the Schellville yard on ‘voluntary hold.’ The Board should ask the Federal Railroad Administration and perhaps the Pipeline and Hazardous Materials Safety Administration to quickly weigh in on this matter.”

Napa County shares the Commissioner’s serious concerns about the impact an accident would have not only upon County and City residents, facilities and businesses, but also on the County emergency services. The County understands that the City of American Canyon has also filed a notice of intent to participate. Thus, the County intends to participate fully and to support the City’s efforts to urge the Board to ensure that health and safety issues affecting City and

County residents should be fully considered in any resolution of this dispute.

Dated: November 23, 2016 MINH C. TRAN, County Counsel

By:

A handwritten signature in cursive script, appearing to read "Jeffrey M. Richard", written over a horizontal line.

Jeffrey M. Richard, Chief Deputy,
Attorneys for the County of Napa

Certificate of Service

I hereby certify that the foregoing Notice of Intent to Participate was served via first-class U.S. Mail, postage prepaid, upon the following:

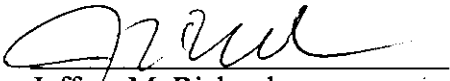
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Jeffrey M. Richard,
Chief Deputy County Counsel

Dated: November 23, 2016