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For E-Filing

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

Re: Letter from "Transportation Solutions Defense and Education Fund" ("Transdef") entered on March 25 by STB as a part of the public record in North Coast Railroad Authority ("NCRA"), STB Docket AB 1305X

Dear Ms. Brown:

This letter, submitted on behalf of NCRA, is in response to the Transdef letter referenced above, which the Board has filed in AB 1305X.

The Transdef letter referenced above is quite strange. Transdef has elsewhere represented itself as "Marin-based" and "die-hard transit advocates" "for improved regional planning in the Bay Area."<sup>1</sup> In context, the term "Bay Area" means the San Francisco Bay area. The NCRA line in question in AB 1305X (once that proceeding is formally filed) involves track between Willits (middle of Mendocino County) and the Humboldt Bay. Nothing in the Willits to Humboldt Bay region is ordinarily considered part of the San Francisco Bay Area, so Transdef may be confusing what line is at issue, thinking we are discussing something down in Sonoma or Marin Counties. We are not. Also, the line from Willits to Humboldt Bay has never been associated with or proposed for "transit" use, at least since the highway system went into northern California. To the contrary, the line has been subject to a Federal Railroad Administration (FRA) embargo since 1998; FEMA evidently will no longer fund rehabilitation from the costly and regular storm

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<sup>1</sup> Letter, Transdef to Pres, Bd. Directors, Marin County Transit District, Jan. 5, 2020 (from internet).

events that periodically render the line out-of-service; and NCRA has no financing or revenue to generate funds to restore the line so as to lift the embargo. In sum, Transdef appears to misunderstand what line is involved in this proceeding and also appears to lack standing, inasmuch as neither the Bay Area nor transit use is at issue.

In any event, Transdef's letter is submitted in a proceeding not yet formally filed, and is not a motion to which a response even then would be necessary. To the extent it were deemed to be a pleading for which replies must be made within 20 days, NCRA certainly takes issue with Transdef's assertions and purported conclusions. The Transdef letter is predicated, so far as we can tell, on the notion that language in California Government Code section 93003 precludes NCRA from seeking abandonment/railbanking authority. But, as one of the attachments to Transdef's letter notes, SB 1029 amended section 93003 in 2018. All the language on which Transdef relies in section 93003 was deleted, and the following was substituted:

“The legislature finds and declares that it is in the public interest to dissolve [NCRA], and to transfer its rights-of-way to other entities for the purpose of potentially developing a trail that could include railbanking and continuing freight where it was operational on January 1, 2018.”

In accordance with amended section 93003, NCRA is in the process of circulating an environmental report and history report in anticipation of seeking appropriate STB abandonment and railbanking authorizations for the long-embargoed portion of its line between Willits and the Humboldt Bay. That portion of the line is not operational for freight (or any other rail), and has not been for over two decades. In sum, Transdef's claim appears facially absurd, and patently frivolous, given the textual change in section 93003. Under this Board's rules, replies to replies are forbidden, so this should end the matter for Transdef.

NCRA remains authorized by the State to provide rail service on non-embargoed portions of the line, until such time as it obtains STB pre-authorizations for abandonment, discontinuance, and/or transfer and said abandonment, discontinuance and/or transfer is consummated, allowing it to proceed as provided in section 93003.

NCRA is proceeding lawfully and in consultation with all relevant state agencies, and with the pertinent transit provider for Marin and Sonoma Counties (i.e., the Bay Area, in which Transdef professes interest), which is SMART.

By my signature below, I certify service by posting a copy of this pleading with USPS on the date of this letter, postage pre-paid, first class addressed to David Schonbrunn (Transdef Pres.), P.O. Box 151439, San Rafael, CA 94915, courtesy email attachment to counsel for Transdef at [Bezis4Law@gmail.com](mailto:Bezis4Law@gmail.com).

Respectfully submitted,

S/ Charles H. Montange

Charles Montange  
for North Coast Rail Authority

cc. Mitch Stogner (NCRA) (by email)  
Elizabeth Coleman, Esq. (for NCRA) (by email)  
David Schonbrunn (Transdef)