



September 13, 2021

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: North Coast Railroad Authority Abandonment Exemption in Mendocino, Trinity and Humboldt Counties, CA; Docket No. AB 1305X

Dear Ms. Brown:

The Coalition for Responsible Transportation Priorities (CRTP) is a non-profit organization based in Humboldt County whose mission is to promote transportation solutions that protect and support a healthy environment, healthy people, healthy communities and a healthy economy on the North Coast of California. As we have noted previously, CRTP strongly supports the North Coast Railroad Authority's request for a Notice of Exemption for the entirety of its rail line north of MP 139.5 near or at Commercial Street in Willits, California, inclusive of all appurtenant branch lines, and NCRA's request for a Notice of Interim Trail Use (NITU) for all of these properties.

We are writing now in response to the Surface Transportation Board's Order on this Docket dated August 26, 2021, as well as other recent developments. In the Order, the Board identified two rail segments whose status in the proceeding may be unclear and kept in place an abeyance on the proceedings pending further comment on these segments.

First, although not directly related to the Board's latest order, we note that we consider the offers of financial assistance (OFAs) received by the Board for NCRA's line to be ill-considered and highly unlikely to result in any actual rail use of the line. They rely on speculative infusions of capital and investments in future infrastructure which will almost certainly never materialize. NCRA and other state agencies have exhaustively documented the extreme expense which would be required merely to bring the line back into service. Even if that were to happen, maintenance of the line through the Eel River Canyon and nearby areas is known to be so expensive that it could only be financially feasible with a very high volume of freight, in turn necessitating major port investments in Humboldt Bay of a type which have never occurred despite decades of efforts by many groups, agencies and individuals. Furthermore, recent revelations that the OFA from the North Coast Railroad Company is premised on construction of an imagined coal export facility on Humboldt Bay make it clear just how baseless this OFA is. Humboldt County is

widely known for its broad public support of rigorous environmental protections, and its agencies and officials have already made clear that they will never allow such a facility to be built. Consequently, the North Coast Railroad Company's OFA cannot be considered realistic or viable.

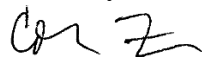
Regarding the discussion of whether the Board retains jurisdiction over the Arcata & Mad River subsidiary line, we believe that it does. The historical fact of NCRA continuing to operate the line for freight purposes after the line's purported "abandonment" seems incontrovertible evidence of the Board's continued jurisdiction. Furthermore, NCRA's operation of the line and maintenance of de facto control over it for the last four decades has resulted in many local land use and infrastructure decisions and agreements premised on that control. Examples include the agreements with the Humboldt Bay Municipal Water District to allow the placement of critical local water infrastructure in the rail right-of-way and with the City of Arcata, City of Blue Lake and County of Humboldt to build trails in the right-of-way. If the Board were to retroactively decide that the line had been abandoned in the 1980s, the decision would throw the status of these agreements and related critical public infrastructure into chaos.

Regarding the segment in question at the end of the Samoa branch line, it is unclear to us whether such a segment even exists, or rather whether the discrepancy in milepost numbers is merely a clerical error. Regardless, it seems clear that NCRA controls the right-of-way of the Samoa branch line all the way to its endpoint and intends to include all of it in the Notice of Exemption and NITU.

While the Board investigates these two topics, we request that the Board continue with the proceeding and grant at the earliest possible date NCRA's request for Notice of Exemption and NITU for all portions of its lines not currently in question. Failure to expeditiously complete the railbanking process will unnecessarily delay critical local infrastructure projects, including the Humboldt Bay Trail South. The Bay Trail South is the culmination of decades of demand for a safe bicycle and transportation route between Arcata and Eureka, the region's two largest towns. The reinforced trail prism is also being designed to protect Highway 101, the region's only major north-south travel corridor, from the periodic and increasing threat of regular inundation during high tides and storm conditions. The region cannot afford the risk of more injuries and deaths resulting a lack of safe travel options between Arcata and Eureka while waiting for the Board to fully investigate technical matters, nor the risk of regular inundation of a highway segment which transports many of the region's passenger vehicles, freight, buses, and emergency vehicles.

Thank you for your consideration.

Sincerely,



Colin Fiske

Executive Director

Coalition for Responsible Transportation Priorities

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