

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. FD35977

**NOTICE OF CALIFORNIANS FOR ALTERNATIVES TO TOXICS
TO NORTHWESTERN PACIFIC RAILROAD COMPANY'S
PETITION FOR DECLARATORY ORDER**

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Attorneys for Californians for
Alternatives to Toxics

Dated: December 1, 2015

NOTICE TO THE SURFACE TRANSPORTATION BOARD AND TO
THE PARTIES:

On November 19, 2015, Northwestern Pacific Railroad Company (“NWPCo.”) filed a petition seeking a declaratory order that the Interstate Commerce Commission Termination Act (“ICCTA”) preempts application of the California Environmental Quality Act to its rail operations. Petition at 1. Californians for Alternative to Toxics hereby notifies the Surface Transportation Board and the parties, including NWPCo., that it intends to oppose the petition and to file a reply within twenty days of this filing. Californians for Alternatives to Toxics, a California non-profit public interest corporation, is a party to a case now pending before the California Supreme Court, which NWPCo. claims is the basis for issuance of a declaratory order here. Petition at 18.

Californians for Alternatives to Toxics intends to oppose the petition on several grounds, including that this Board lacks jurisdiction over the project at issue in the California Supreme Court case and thus should not issue a declaratory order concerning that case. The Board lacks jurisdiction because the project at issue in the California case involves a rail repair project. See Initial Study [of] North Coast Railroad Authority Russian River Division Freight Rail Project, May 2007, at 2-7 (marked “AR 3423”) (“Rehabilitation activities are necessary to bring the rail line into compliance with FRA Class 2/3 standards, and to address safety issues identified in [Federal Railroad Administration] Emergency Order No. 21.”) [Exhibit 1]. Specifically, the issue before the California Supreme Court is whether the ICCTA trumps state law designed to inform California’s decisions

before it proceeds to repair and reopen the rail line, which the Federal Railroad Administration ordered closed for safety reasons.

The Board does not have – and has never asserted – any section 10901(a) authority or statutory jurisdiction over rehabilitation and repair work. Lee’s Summit, Mo. v. Surface Transp. Bd., 231 F.3d 39, 42 n.3 (D.C. Cir. 2000) (STB lacks jurisdiction over line rehabilitation); Detroit/Wayne County Port Auth. v. I.C.C., 59 F.3d 1314, 1317-18 (D.C. Cir. 1995) (jurisdiction does not extend to improvements of existing track); Union Pac. R.R. Co.—Petition for Declaratory Order—Rehabilitation of Mo.-Kan.-Tex. R.R. Between Jude and Ogden Junction, Tex., FD No. 33611, 3 S.T.B. 646, 1998 WL 525587, at *3 (S.T.B. Aug. 19, 1998) (finding no STB jurisdiction over carrier’s repair and reopening of an inactive existing line). The Board thus should summarily dismiss NWPCo.’s petition.

Also among the reasons that Californians for Alternatives to Toxics intends to oppose the petition is that the California case does not create uncertainty regarding NWPCo.’s ability to operate the line, despite NWPCo.’s assertions to the contrary. Whether any portion of the line is currently operating is irrelevant, as a matter of law, to the issue before the California Supreme Court. The point in time relevant to the California Environmental Quality Act case before that Court is the date that the North Coast Railroad Authority, a California public agency that owns part of the rail line at issue, certified the environmental impact report for the rehabilitation and reopening project. The certification of the report occurred on June 20, 2011. See Resolution of the Board of Directors of the

North Coast Railroad Authority, June 20, 2011 [Exhibit 2]. At that time, the line was not operating because the conditions necessary for operation had not been met. Such conditions included compliance with the California Environmental Quality Act, the consent of Sonoma-Marín Area Rail Transit District (which owns part of the rail line at issue) to designation of NWPCo. as operator, and the release of the Federal Railroad Administration’s shutdown order. See id at 2 (marked “AR 19”) (“in September 2006 the NCRA [North Coast Railroad Authority] entered into an agreement with a private sector operator [NWPCo.] to provide freight railroad service between Lombard and Willits, subject to environmental review of the resumption of freight railroad service”); Environmental Impact Report, North Coast Railroad Authority, Russian River Division, Volume I of II, Nov. 5, 2009 (“certification of this Environmental Impact Report by [its] board will satisfy . . . the ‘Agreement for the Resurrection of Operations upon the Northwestern Pacific Railroad Line and Lease dated September 2006,’ with NWPCo. and will, if the project is approved, result in the operation of freight commerce on the line”) [Exhibit 3] (marked “AR 2026”); Operating & Coordination Agreement for the Northwestern Pacific Line, June 20, 2011, Petition Exhibit 7, at STB 00045, 00046 (pursuant to previous agreement, Sonoma-Marín Area Rail Transit District’s consent is needed and the District “hereby consents to NWPCo as NCRA’s designated operator”); 76 Fed. Reg. 27171 (May 10, 2011) (Federal Railroad Administration releasing the portion south of Windsor in the Russian River Division); see also Petition at 14. If any uncertainty exists as to operation, it is not as a result of the California case, but

because of the agreements that NWPCo. entered into with the owners of the line,
North Coast Railroad Authority and Sonoma Sonoma-Marin Area Rail Transit
District.

DATED: December 1, 2015 Respectfully Submitted,

By: 

Sharon E. Duggan
Helen H. Kang
Deborah A. Sivas
William Verick

Attorneys for Californians for
Alternatives to Toxics

EXHIBIT 1

**INITIAL STUDY
NORTH COAST RAILROAD AUTHORITY
RUSSIAN RIVER DIVISION
FREIGHT RAIL PROJECT**

Prepared for:



Prepared by:

KLEINFELDER

**5015 Shoreham Place
San Diego, California 92122
(858) 320-2000**

May 2007

2.3.2 Current Status and Operational Issues

The rail line is an operating railroad by the Surface Transportation Board (STB), and it will be operated by NWP Co. However, rehabilitation of the line is required before trains may safely resume operations on the line. Rehabilitation activities are necessary to bring the rail line into conformance with FRA Class 2/3 standards, and to address safety issues identified in FRA Emergency Order No. 21. The rehabilitation activities are being funded by the State and investments by the operator.

As NCRA's rail operator, NWP Co. will be required to be in compliance with a Consent Decree that was signed by the North Coast Regional Water Quality Control Board (NCRWQCB), Department of Toxic Substance Control (DTSC), and Department of Fish and Game (DFG). The Consent Decree, among other things, requires that NCRA prepare and implement several workplans to clean up existing waste (currently scattered rail ties), conduct all rail operations in accordance with State environmental laws, and to handle, manage, store, transport, and dispose of hazardous materials and waste in a manner that is protective of human health and the environment.

2.3.3 Existing Facilities of the Russian River Division

Description of the Rail Corridor Alignment

The NCRA rail corridor extends approximately 142 miles from Willits in Mendocino County, California southward to Lombard in Napa County. From Willits the line runs southward generally following Highway 101 through the towns of Redwood Valley, Calpella, Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Windsor, Santa Rosa, Rohnert Park, Cotati, Petaluma, and Novato. South of Novato the line runs eastward near the shore of San Pablo Bay, over the Petaluma River, past Black Point, past the old station at Shellville, over the Napa River, and terminates in Lombard north of the city of American Canyon.

Mainline Track, Sidings, & Spur Tracks

The RRD consists of one mainline track, several sidings, and many spur tracks. The sidings are strategically placed along the mainline for train meets (train passing) and temporary storage. It is anticipated that these sidings will be used for the same purposes during the proposed operations. The spur tracks are generally privately

EXHIBIT 2

RESOLUTION NO. 2011-02

DATED: June 20, 2011

Resolution of the Board of Directors of the North Coast Railroad Authority making findings, certifying an Environmental Impact Report, adopting a Statement of Overriding Considerations, and Approving a Project resuming freight rail service from Willits to Lombard in the Russian River Division. The NCRA rail corridor is approximately 142 miles, runs roughly along the Highway 101 corridor, and extends from Willits to Lombard and runs through the towns of Redwood Valley, Calpella, Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Windsor, Santa Rosa, Rohnert Park, Cotati, Petaluma, and Novato. The rail line includes various existing sidings, spur tracks, rail yards, stations, and maintenance facilities. The proposed freight service would initially have three round trip trains per week with each train having an estimate of 15 rail cars during the "start up phase." Once service is established, the proposed service may increase to three round trip trains per day, six days per week with an estimate of 25 round trip cars for one trip per day and 60 round trip cars on the other two trips. One 60-car train would go from Willits to Lombard, the second 60-car train would potentially haul waste from Santa Rosa to the Cal Northern connection at Lombard, and the other train would initiate with 10 cars in Willits and increase to up to 25 cars from Redwood Valley to Lombard. The proposed service does not include transporting hazardous waste, dangerous, highly flammable, or explosive materials. Operating the line would require the following rehabilitation, construction and repair activities in four areas: track and embankment repairs at Bakers Creek north of Cloverdale; Foss Creek north of Healdsburg; mechanical repairs to Black Point Bridge, at the mouth of the Petaluma River; and a new siding at Lombard to allow rail interchange with the Cal Northern Rail Line.

**SECTION 1
PROPOSED PROJECT AND PROCEDURAL HISTORY**

WHEREAS, the North Coast Railroad Authority ("NCRA") was formed by the North Coast Railroad Authority Act to ensure continuing freight rail service to the North Coast area pursuant to the North Coast Railroad Authority Act (Government Code 93000 §§ et seq.);

WHEREAS, NCRA is governed by its Board of Directors ("Board").

WHEREAS, in 1995, NCRA, the Golden Gate Bridge Highway and Transportation District, and Marin County established a joint powers authority for the purpose of purchasing the Northwestern Pacific Railroad Line, ("the line") extending from Lombard near Napa in Napa County, to Willits in Mendocino County from Southern Pacific Railroad Co., which transaction was concluded on April 30, 1996;

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WHEREAS, in 1998 the Federal Railroad Administration issued Emergency Order No. 21 closing the line until potential safety issues caused by deferred maintenance extending back several decades were corrected;

WHEREAS, in 2000 the California Legislature adopted the Traffic Congestion Relief Act which appropriated to the NCRA \$31 million pursuant to Government Code §14556.50 in part for restoration of the Line, which appropriation was allocated to the NCRA by the California Transportation Commission beginning in December 2006 for restoration of the Line;

WHEREAS, the repairs were made and the Federal Railroad Administration subsequently released the operation of the Emergency Order 21 permitting freight railroad service for the portion of the line between Lombard in Napa County to Windsor in Sonoma County;

WHEREAS, in September 2006 the NCRA entered into an agreement with a private sector operator, (the "operator,") to provide freight railroad service between Lombard and Willits, subject to environmental review of the resumption of freight railroad service;

WHEREAS, in July 2007 the NCRA issued a Notice of Preparation of an Environmental Impact Report in compliance with the agreement with the operator. Subsequently, NCRA retained an environmental consultant to prepare the necessary environmental documents. The consultant conducted public scoping sessions in Santa Rosa in Sonoma County, and Novato in Marin County, and a scoping session in Petaluma with interested public agencies to determine the scope of the EIR;

WHEREAS, in March 2009 the Draft EIR was released for comment and public hearings on the Draft EIR were held in April 2009 in Petaluma and Willits. During the comment period new information was raised causing the NCRA Board of Directors to cause the Draft EIR to be revised pursuant to CEQA guideline 15088.5. A Revised Draft EIR was prepared and recirculated in November 2009 with a new public comment period extending into January 2010. After comments were received at the close of the public comment period, the Final EIR was prepared and released in May 2011 in which the comments upon the Draft Revised EIR were addressed;

WHEREAS, it was discovered that the Final EIR did not respond to a letter of comment written by one of the Directors of NCRA. An addendum to the Final EIR was prepared and added to the Final EIR on May 31, 2011. The addendum is not a technical addendum as anticipated by CEQA Regulation 15164, but rather is an additional response to a letter received during the public comment period.

WHEREAS, NCRA and its operator propose to resume freight rail service in the Russian River Division ("RRD") of the rail line from Willits to Lombard in the RRD. The NCRA rail corridor is approximately 142 miles, runs roughly along the Highway 101 and Highway 37 corridors, and extends from Willits to Lombard and runs through the towns of Redwood Valley, Calpella, Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Windsor, Santa Rosa, Rohnert Park, Cotati, Petaluma, and Novato. The rail line includes one main line track and various

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existing sidings, spur tracks, rail yards, stations, and maintenance facilities. The proposed freight service would initially have three round trip trains per week with each train having an estimate of 15 rail cars during the "start-up phase." Once service is established, the proposed service may increase to three round trip trains per day, six days per week with an estimate of 25 round trip cars for one trip per day and 60 round trip cars on the other two trips. One 60-car train would go from Willits to Lombard, the second 60-car train would potentially haul waste from Santa Rosa to the Cal Northern connection at Lombard, and the other train would initiate with 10 cars in Willits and increase to up to 25 cars from Redwood Valley to Lombard. The proposed service does not include transporting hazardous waste, dangerous, highly flammable, or explosive materials. Operating the line would require the following rehabilitation, construction, and repair activities in four areas: Track and embankment repairs at Bakers Creek north of Cloverdale; Foss Creek north of Healdsburg; mechanical repairs to Black Point Bridge, at the mouth of the Petaluma River; and a new siding at Lombard to allow rail interchange with the Cal Northern Rail Line. For purposes of this resolution, these activities shall collectively be called "the Proposed Project" or "Proposed Project";

WHEREAS, NCRA determines, based on the findings set forth in this resolution and the entirety of the record of this proceeding, that operation of the RRD between Willits and Lombard is of independent economic utility and is desirable as a discrete and independent transportation unit based upon the evidence in the record, including but not limited to the Statement of the President of the operator dated September 23, 2009; the fact that the Southern Pacific Railroad Company operated the line as a separate division from 1914 to the mid 1980's; the Southern Pacific Railroad Company leased the Line to California Northern as a discrete entity; the Board of Directors issued a Request For Proposals to the Railroad industry in 2006, receiving a number of proposals, all confining their proposed operations to this portion of the line; the Federal Emergency Management Agency prepared an Administrative Final Programmatic Environmental Assessment in 2004 recognizing the line as having historic independent utility; and the termini are logical in that the line connects at Lombard with the California Northern Railroad and hence to the national rail system, and the line connects with the California Western Railroad at the population center of Willits;

NOW THEREFORE BE IT RESOLVED the Board of Directors of the NCRA finds as follows:

SECTION 2 CEQA COMPLIANCE

2.1 NCRA has engaged teams of biologists, engineers, and other experts to determine the scope of potential impacts which may result from the proposed project. Beginning with the Initial Study, finalized in July, 2007, and through May of 2010, more than \$2.8 million dollars was spent by NCRA conducting environmental review and analyzing potential mitigation measures. Substantial additional amounts have been spent since May of 2010 in pursuit of the project's CEQA compliance. The focus of those efforts was to highlight potentially significant impacts and to produce mitigation measures crafted to provide paths to successful mitigation of each potentially significant impact, which are included both in the Final EIR and the appendices attached to it.

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2.2 The Final EIR consists of the Draft EIR of November 5, 2009, the Response to Comments on the Draft EIR of November 5, 2009 (“the Response to Comments”), and the Addendum to the Final EIR dated, May 31, 2011.

2.3 The Draft and Final EIRs were completed, noticed, and circulated for public review and agency review and comment in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.

2.4 The Final EIR constitutes an adequate, accurate, objective, and complete EIR for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project.

2.5 The Final EIR discloses that the Proposed Project poses certain significant or potentially significant adverse environmental impacts that can be mitigated to less than significant levels. The Board finds that changes or alterations have been required in, or incorporated into, the Proposed Project through the mitigation measures imposed herein on the rail line, which will, in fact, mitigate those impacts to less than significant levels as set forth in Exhibit “A” to this Resolution. The Board therefore determines that, with the exception of those impacts specifically noted, the significant adverse environmental impacts of the Proposed Project summarized in Exhibit “A” to this Resolution have been eliminated or reduced to a point where they would have no significant effect on the environment.

2.6 The Final EIR discloses that the Proposed Project poses certain significant or potentially significant adverse environmental impacts that, even after the inclusion of mitigation measures, may not, or cannot, be avoided if the Proposed Project is approved. These impacts which relate to noise and ground borne vibrations, locomotive headlights during night operations, and cumulative impacts are fully and accurately summarized in Exhibits “A” and “B” to this Resolution, attached hereto and incorporated herein by this reference.

2.7 As to the significant environmental effects of the Proposed Project identified in the Final EIR and this Resolution that are not avoided or substantially lessened to a point less than significant, the Board finds that specific economic, social, or other considerations make additional mitigation of those impacts infeasible, in that all feasible mitigation measures have been incorporated into the Proposed Project, and also make project alternatives infeasible. The Board further finds that it has balanced the benefits of the Proposed Project against its unavoidable environmental risks and determines that the benefits of the Proposed Project outweigh the unavoidable adverse environmental effects. The Board further determines that the unavoidable adverse environmental effects of the Proposed Project are acceptable, and there are overriding considerations which support the Board’s approval of the Proposed Project, and that those considerations are identified in Exhibit “C” to this Resolution, attached hereto and incorporated herein by this reference (“the Statement of Overriding Considerations”).

2.8 The Final EIR describes a range of reasonable alternatives. Those alternatives are fully and accurately summarized in Exhibit “D” to this Resolution, attached hereto and incorporated herein by this reference. Those alternatives, however, cannot feasibly achieve

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certain objectives of the Proposed Project for the reasons set forth in Exhibit "D" to this Resolution. The Board therefore determines that all of the alternatives summarized in Exhibit "D" to this Resolution are infeasible.

2.9 To ensure that the proposed revisions and mitigation measures identified in the Final EIR are implemented, the Board is required by CEQA and the State CEQA Guidelines to adopt a mitigation monitoring program on the revisions the Board has required in the Proposed Project and the measures the Board has imposed to mitigate or avoid significant environmental effects. The mitigation monitoring program for the Proposed Project ("the Mitigation Monitoring Program") is attached hereto as Exhibit E. The Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA and the State CEQA Guidelines.

2.10 The Board makes the following additional findings relating to the Final EIR and its environmental determinations with respect to the Proposed Project:

(A) The Board received several public comments alleging that the Board was unlawfully piece-mealing operations in the Eel River Division ("ERD") and RRD and that the Final EIR was inadequate because it failed to analyze operations in both the ERD and RRD. The Board finds that any future operations in the ERD are speculative and that the Board has no plan or intention of resuming service in the ERD at this time. The potential resumption of service in the ERD would require additional federal and other funding that does not exist at this time. Given that there are no financial resources available to resume services in the ERD, the Board does not intend to operate in the ERD.

(B) In making the findings and determinations set forth herein and in any exhibit hereto, the Board, on occasion references specific evidence in the record. No such specific reference is intended to be exclusive or exhaustive. Rather, the Board has relied on the totality of the evidence relating to the RRD in the record of these proceedings in reaching its decision.

(C) The findings in this Resolution and all exhibits hereto are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

(D) The Final EIR is adopted and certified as follows:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the Board and the Board reviewed and considered the information contained in the Final EIR prior to approving the Proposed Project.
3. The Final EIR reflects the independent judgment of the Board.
4. The Statement of Overriding Considerations, attached hereto as Exhibit C, is hereby adopted.

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5. The Mitigation Monitoring Plan attached as Exhibit "E" is hereby adopted.

6. NCRA staff is directed to file a Notice of Determination in accordance with CEQA and state CEQA Guidelines in each County through which the RRD runs.

7. The Proposed Project is approved as follows: NCRA with its operator shall resume freight rail service from Willits to Lombard in the RRD. The NCRA rail corridor is approximately 142 miles, runs roughly along the Highway 101 corridor, and extends from Willits to Lombard and runs through Redwood Valley, Calpella, Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Windsor, Santa Rosa, Rohnert Park, Cotati, Petaluma, Napa, Schellville, Novato and the unincorporated areas of Napa, Sonoma, Marin and Mendocino counties. The rail line includes various existing sidings, spur tracks, rail yards, stations, and maintenance facilities. The proposed freight service would initially have three round trip trains per week with each train having an estimate of 15 rail cars during the "start up phase." Once service is established, the proposed service may increase to three round trip trains per day, 6 days per week with an estimate of 25 round trip cars for 1 trip per day and 60 round trip cars on the other trip. One 60-car train would go from Willits to Lombard, the second 60-car train would potentially haul waste from Santa Rosa to the Cal Northern connection at Lombard, and the other train would initiate with 10 cars in Willits and increase to up to 25 cars from Redwood Valley to Lombard. The proposed service does not include transporting hazardous waste, dangerous, highly flammable, or explosive materials. Operating the line would require the following rehabilitation, construction and repair activities in four areas: track and embankment repairs at Bakers Creek north of Cloverdale; Foss Creek north of Healdsburg; mechanical repairs to Black Point Bridge, at the mouth of the Petaluma River; and a new siding at Lombard to allow rail interchange with the Cal Northern Rail Line.

8. The Executive Director of NCRA is hereby designated as the custodian of documents and other materials that constitute the record of the proceedings upon which the Board's environmental and substantive decisions herein are based. These documents may be found at NCRA, 419 Talmage Road, Suite M, Ukiah, California 95482, during normal business hours.

Directors:

Clendenen: X Hemphill: X Kelley: X Kier: MacDonald: X
McCowen: X Meyers: Wagenet: X Wolter: X

Ayes: 6 Noes: 1 Absent: 2 Abstain: Ø

So Ordered.

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EXHIBIT 3

PUBLIC DRAFT

ENVIRONMENTAL
IMPACT REPORT
NORTH COAST
RAILROAD AUTHORITY
RUSSIAN RIVER
DIVISION

VOLUME I OF II

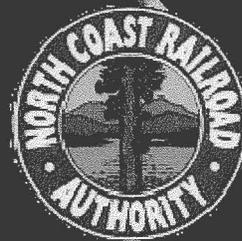
November 5, 2009

Prepared by:



2240 Northpoint Parkway
Santa Rosa, California 95407
(707) 571-1883

Prepared for:



North Coast Railroad Authority
419 Talmage Road, Suite M
Ukiah, California 95482
(707) 463-3280

AR 01932



decision dated September 7, 2007. However, rehabilitation of the line is required before trains may safely resume operations on the line. Rehabilitation activities are necessary to bring the rail line into conformance with FRA Class 2/3 Standards, and to address safety issues identified in FRA Emergency Order No. 21. The rehabilitation activities from Lombard to Windsor (MP 62.9) are considered a separate project from the proposed project and are covered under a Notice of Exemption filed June 2007. NCRA has submitted a request for federal funding for the proposed project; however, it is unknown whether or not the request will be approved and if it is approved, what portion, if any, of the applied-for project will be approved, and if and when the monies would be allocated. Therefore, it is currently assumed that there will be no federal funding for the proposed project. If and when federal funding was to become available, the appropriate NEPA evaluation would be conducted.

This DEIR will be considered by the NCRA Board, and certification of this Environmental Impact Report by the NCRA Board will satisfy Section IV. (D) of the agreement entitled, "Agreement for the Resurrection of Operations upon the Northwestern Pacific Railroad Line and Lease dated September 2006," with NWP Co. and will, if the project is approved, result in the operation of freight commerce on the line. A separate Agreement has been negotiated by NCRA that requires the operator to comply with the mitigation measures contained in this document, as the mitigation measures apply to the operator.

NCRA and, to the extent applicable to the rail lines it operates, its operator will be required to be in compliance with an Environmental Consent Decree (ECD) that was signed by the North Coast Regional Water Quality Control Board (NCRWQCB), Department of Toxic Substance Control (DTSC), and DFG.

NCRA and, to the extent applicable to the rail lines it operates, its operator will also be required to be in compliance with a Consent Decree issued by the Superior Court of the State of California on November 3, 2008 (Novato Consent Decree). The Novato Consent Decree requires that approximately 17 miles of the track, between MP 35.5 and MP 18.7, be continuous welded track, that from MP 29.5 to 25.9 fencing be constructed on either side of the track, and that quiet zones and landscaping be established within the city and its sphere of influence, roughly between MP 28.5 and MP 21.9 to minimize noise and glare from operations. In addition restrictions on

CERTIFICATE of SERVICE
Docket No. FD35977
Surface Transportation Board

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 536 Mission Street, San Francisco, CA 94105.

On December 1, 2015, I served true copies of the following document(s) described as:

**NOTICE OF CALIFORNIANS FOR ALTERNATIVES TO TOXICS TO
NORTHWESTERN PACIFIC RAILROAD COMPANY'S PETITION FOR
DECLARATORY ORDER**

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the Environmental Law and Justice Clinic's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 1, 2015, at San Francisco, California.



Andrew Graf

SERVICE LIST
Docket No. FD35977
Surface Transportation Board

By Mail

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Courtesy Copies

By E-Mail

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