

GREAT SHASTA



RAIL TRAIL ASSOCIATION

P.O. Box 221
McCloud, CA 96057
www.GreatShastaRailTrail.org
askus@greatshastarailtrail.org

*Developing
80 Miles of Public
Recreation Trail
between
McCloud and Burney*

240425

April 5, 2016

Ms. Cynthia T. Brown
Secretary
Surface Transportation Board
395 "E" Street, SW
Washington, DC 20423

AB 914X
ENTERED
Office of Proceedings
April 7, 2016
Part of
Public Record



Re: Petition for Substitution of New Holder of Interim Trail Use/Trail Manager/Responsible Party

Dear Ms. Brown:

Enclosed please find an original and ten copies of a "Joint Petition of the Shasta Land Trust and the Great Shasta Rail Trail Association for Substitution of New Holder of Interim Trail Use/Trail Manager/Responsible Party," along with a Statement of Willingness to Assume Financial Responsibility.

Please take note that the Great Shasta Rail Trail Association is in the process of purchasing the rail-trail real estate from the Shasta Land Trust. Escrow was to close this month. We would be very grateful if consideration of this petition could be expedited so that the parties could close escrow during the month of April 2016.

If you have questions or need further documents, please contact me or our attorney:

Jody Burgess
Burgess & Bogener, Inc.
1650 East Street
Redding, California 96001
(530) 605-0355

Thank you.

Sincerely,

April Gray
President
530 261 0884

BEFORE THE
STB Docket No. AB 914X
ABANDONMENT EXEMPTION
IN SISKIYOU COUNTY AND SHASTA COUNTY, CALIFORNIA

JOINT PETITION OF THE SHASTA LAND TRUST AND THE GREAT SHASTA RAIL
TRAIL ASSOCIATION FOR SUBSTITUTION OF NEW HOLDER OF INTERIM TRAIL
USE/TRAIL MANAGER/ RESPONSIBLE PARTY

Pursuant to 49 C.F.R. 1152.29, the Shasta Land Trust ("SLT") and the Great Shasta Rail Trail Association ("GSRTA") submit this joint petition to the Surface Transportation Board ("STB") requesting that the above-captioned proceedings be reopened so that the GSRTA may be substituted as the Holder of the Interim Trail Use/Trail Manager/Responsible Party for the rail line in the above-captioned proceeding, specifically the approximately 80 miles of railbanked rail line including: (1) a rail line between milepost 3.3 east of McCloud and the end of the track at milepost B-61 at or near Burney; (2) a rail line between milepost B-19 at or near Bartle and milepost 31 at or near Hambone; (3) a rail line between milepost B-58 at or near Berry and milepost S-7 at or near Sierra; and (4) a rail line between milepost B-31.6 a or near Bear Flat and milepost P-3.93 at or near Pondosa. In support of said petition, the SLT and the GSRTA set forth the following to wit:

1. By decision served on October 14, 2005, the STB, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by McCloud Railway Company (MRC) of approximately 80 miles of rail line in Siskiyou County and Shasta County, California. The abandonment exemption became effective on November 20, 2006.

2. By decision and notice of interim trail use or abandonment (NITU) served on December 29, 2009, the proceeding was reopened and was modified to implement interim trail use/rail banking, under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. The NITU authorized a 180-day period for Save Burney Falls (SBF) to negotiate with MCR for interim trail use on the above-described rail line. The NIU expired by its own terms on June 28, 2010.

3. By decision and notice served on October 4, 2011 the proceeding was reopened, the consummation deadline was extended to the service date of the decision and notice, and a new NITU was issued to the permitted SBF to continue to negotiate a final agreement with MCR for a period of 180 days, until April 1, 2012.

4. By decision and notice served on June 18, 2012, the proceeding was reopened, a replacement NITU applicable to SLT as interim trail user was issued effective June 13, 2012. (Said NITU is attached hereto as Exhibit A.)

5. The Great Shasta Rail Trail Association is a duly incorporated California not-for-profit corporation with a corporate address of: Great Shasta Rail Trail Association, P. O. Box 221, McCloud, CA 96057, April Gray, President, telephone 530-261-0884.

6. Attached hereto as Exhibits B and C are the GSRTA's Statement of Willingness to Assume Financial Responsibility and a map of the corridor.

7. The date for the transition of total responsibility as the new interim trail manager to the GSRTA is April 21, 2016.

WHEREFORE, SLT and GSRTA respectfully request that the STB reopen the above-captioned cause, vacate the existing NITU issued to SLT, and issue an appropriate NITU to GSRTA as the new holder of Interim Trail Use/Trail Manager/Responsible Party.

Respectfully submitted,



Anne Murphy
Executive Director, Shasta Land Trust
Date: 4-6-16



April Gray
President, Great Shasta Rail Trail Association
Date: 4/6/16

EXHIBIT B

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

The Great Shasta Rail Trail Association has entered into a binding purchase agreement to secure the rights to the property set forth in the Joint Petition of the Shasta Land Trust and the Great Shasta Rail Trail Association for Substitution of New Holder of Interim Trail Use/Trail Manager/Responsible Party. In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, the Great Shasta Rail Trail Association is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way formerly owned by McCloud Railway Company and now owned by Shasta Land Trust.

The property, known as the Great Shasta Rail Trail, is the approximately 80 miles of rail line including: (1) a rail line between milepost 3.3 east of McCloud and the end of the track at milepost B-61 at or near Burney; (2) a rail line between milepost B-19 at or near Bartle and milepost 31 at or near Hambone; (3) a rail line between milepost B-58 at or near Berry and milepost S-7 at or near sierra; and (4) a rail line between milepost B-31.6 at or near Bear Flat and milepost P-3.93 at or near Pondosa. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 914X.

A map depicting the right-of-way is attached as Exhibit C.

Great Shasta Rail Trail Association acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Shasta Land Trust is transferring all right, title and interest that it holds to the Great Shasta Rail Trail Association on or about April 28, 2016 and will have no further involvement with the Great Shasta Rail Trail or its rail line or property.

By my signature below, I certify service upon the McCloud Railway Company, 318 N. 10th Street, St. Maries, Idaho 83861, by U.S. Mail, postage prepaid, first class on April 8, 2016.

Respectfully submitted,

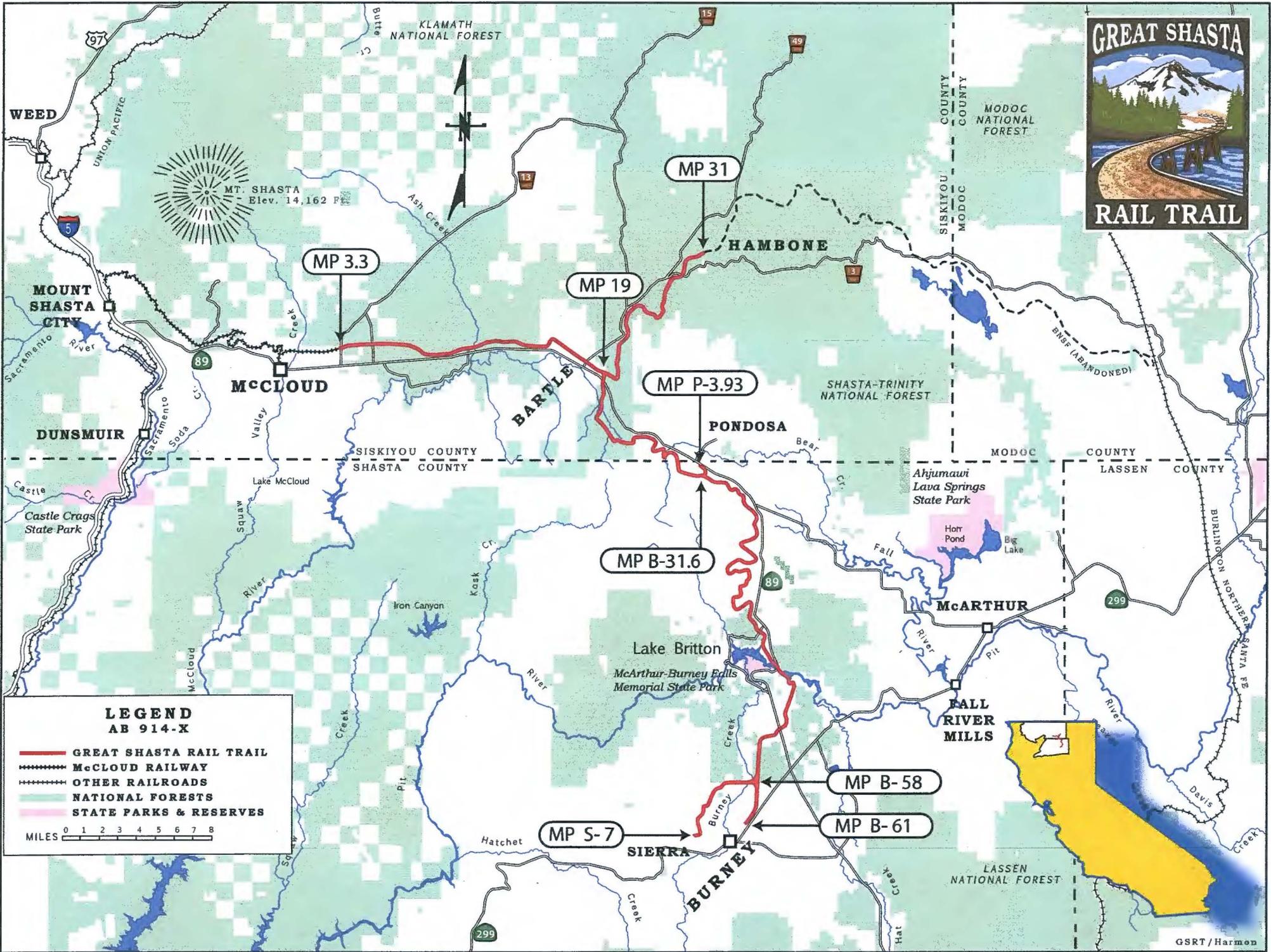
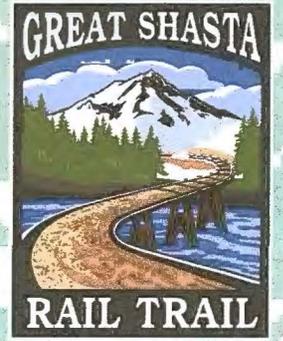


April Gray
President, Great Shasta Rail Trail Association

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL
RESPONSIBILITY**

EXHIBIT C

(Map of Trail System Assumed)



LEGEND
AB 914-X

- GREAT SHASTA RAIL TRAIL
- McCLOUD RAILWAY
- OTHER RAILROADS
- NATIONAL FORESTS
- STATE PARKS & RESERVES

MILES 0 1 2 3 4 5 6 7 8