



Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
T +1 202 637 5600
F +1 202 637 5910
www.hoganlovells.com

302187

April 28, 2021

By Electronic Submission

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

ENTERED
Office of Proceedings
April 28, 2021
Part of
Public Record

Re: STB Docket No. AB 1310X, *Northwest Pacific Railroad Company – Discontinuance of Service Exemption – In Marin, Napa, and Sonoma Counties, CA*

Dear Ms. Brown:

Enclosed for filing in the above-referenced docket is the Sonoma-Marin Area Rail Transit District's Motion to Strike the sur-reply of the Train Riders Association of California filed on April 21, 2021.

Respectfully submitted,

/s/ Carolyn Gaut Kraska

Carolyn G. Kraska

Associate
carolyn.kraska@hoganlovells.com
D +1 202 637 5600

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1310X

**NORTHWESTERN PACIFIC RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN MARIN, NAPA, AND SONOMA COUNTIES, CA**

MOTION TO STRIKE

Kevin M. Sheys
Carolyn G. Kraska
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street NW
Washington, DC 20004
(202) 637-5600

Counsel for Sonoma-Marín Area Rail Transit District

Dated: April 28, 2021

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1310X

**NORTHWESTERN PACIFIC RAILROAD COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION –
IN MARIN, NAPA, AND SONOMA COUNTIES, CA**

MOTION TO STRIKE

Pursuant to 49 C.F.R. § 1104.13(c), the Sonoma-Marín Area Rapid Transit District (“SMART”) files this Motion to Strike the sur-reply filed by the Train Riders Association of California (“TRAC”) in this proceeding on April 21, 2021.

On March 31, 2021, TRAC filed a letter and voluminous attachments in opposition (“TRAC Opposition”) to the Northwest Pacific Railroad Company (“NWPCO”) Petition for Exemption (“NWPCO Petition”) in Docket No. AB-1310X and the Notice of Exemption of SMART (“SMART Notice”) in Finance Docket No. 36481. SMART replied to the TRAC Opposition on April 20, 2021. On April 21, 2021 TRAC submitted a reply to (*inter alia*) the SMART Reply. The TRAC sur-reply, including the verified statement attachments, is a rehash of some of the points made in the TRAC Opposition. No new arguments were put forth in the sur-reply.

Replies to replies are not permitted under the Surface Transportation Board’s rules. 49 C.F.R. § 1104.13(c). SMART requests that the Board strike TRAC’s sur-reply from the record. The Board frequently is lenient in the enforcement of the sur-reply prohibition in the interest of a

more complete record. In this case, no purpose would be served by allowing the TRAC sur-reply into the record because it does not contain anything new.

Respectfully submitted,

/s/ Carolyn G. Kraska

Kevin M. Sheys
Carolyn G. Kraska
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street NW
Washington, DC 20004
(202) 637-5600

Counsel for Sonoma-Marin Area Rail Transit District

Dated: April 28, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April 2021, a copy of the foregoing motion was served upon all of the parties of record in this proceeding via email:

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
United States
jmarks@clarkhill.com
Counsel for Northwest Pacific Railroad Company

David Schonbrunn
Train Riders Association of California
P.O. Box 151439
San Rafael, CA 94915
United States
David@Schonbrunn.org

Respectfully submitted,

/s/ Carolyn Gaut Kraska
Carolyn Gaut Kraska