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BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET FD 36899

ENTERED
Office of Chief Counsel
April 6, 2026
Part of
Public Record

THE PITTSBURG OWNER LPV, LLC

PETITION FOR DECLARATORY ORDER
CERTAIN RAILROAD TRACK IN PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

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Vice President of The Pittsburg Owner LPV, LLC

Dated: 1st April 2026

BEFORE THE
SURFACE TRANSPORTATION BOARD

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THE PITTSBURG OWNER LPV, LLC

PETITION FOR DECLARATORY ORDER
CERTAIN RAILROAD TRACK IN PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

The Pittsburg Owner LPV, LLC, (“TPO”) hereby petitions the Surface Transportation Board (“Board”) for a declaratory order establishing that – (1) certain railroad track in Pittsburg, Contra Costa, California (the “TPO Track” – as described below) is not a railroad line subject to the Board’s regulatory oversight; and (2) as such, the TPO Track may be abandoned, dismantled and disposed of without the need for Board authorization.

This petition outlines the rationale that, subject to 49 U.S.C. Subtitle IV Part A 109 § 10906, the Board does not have authority over the TPO Track, which is comprised of industrial, spur and sidetracks. This petition is made pursuant to 5 U.S.C. § 554(e) and 49 U.S.C. § 1321.

The requested declaratory order will support future planning and redevelopment efforts by removing any controversy or uncertainty surrounding the status of the TPO track.

INTRODUCTION

The TPO Property

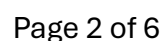
TPO is the owner of property at 696 West 10th Street in Pittsburg, Contra Costa County, California, 94565, (the “TPO Property”). The property includes a permanently closed power plant, previously known as the Pittsburg Power Plant, which ceased operations in 2017. Power plant demolition is underway.

TPO is currently assessing significant redevelopment options for the TPO Property. TPO has invested several years in studies and coordination with local government officials. The TPO Property development represents an important expansion of land adjacent to Pittsburg. Development options include residences, commercial development, parks, and conservation of significant areas of wetlands. It is TPO’s aim to generate significant benefits to the local community at a site that has been under-utilized and largely vacant for many years.

TPO is not a common carrier by railroad subject to 49 U.S.C Subtitle IV, Chapter 105. TPO is the sole owner of the rail lines, associated equipment and spurs, and underlying land rights for which the declaratory order is sought, all of which is on the TPO Property.

The TPO Track consists of two separate rail segments: (1) the former Sacramento Northern Railroad (“SNR”) East-West Segment (approximately 2.2 miles long); and (2) the Power Plant Segment (approximately 1.1 miles long), the southern portion of which was formerly operated by a predecessor to the Burlington Northern Santa Fe Railway (“BNSF”). The TPO Track also includes small inactive private spurs from these two rail segments to access different areas of the private and permanently closed Pittsburg Power Plant.

Figure 1 – STB Docket FD 36899 – Railroad Segments On TPO Property.



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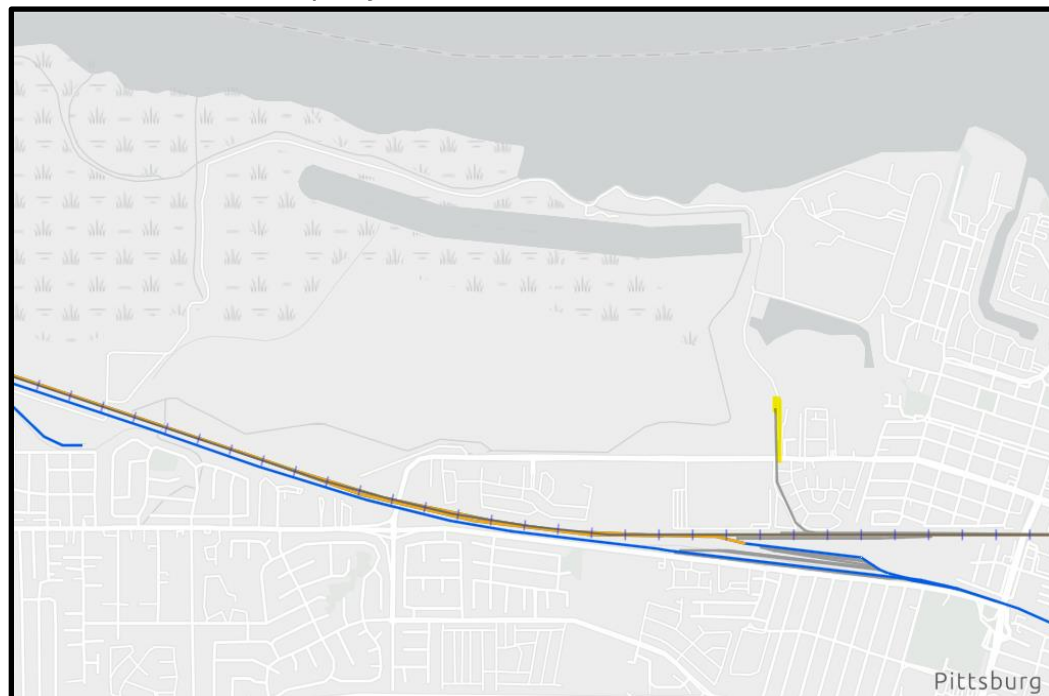
The East-West Segment was originally part of a significantly longer off-site rail line that was historically operated by SNR, a predecessor company to the Union Pacific Railroad. The line extended approximately five miles to the west to Port Chicago Station and approximately a mile east to Pittsburg. The westward extension is no longer in use and, where still in existence, is in a dilapidated condition. The eastward extension has been largely removed and repurposed, mainly for local road expansion.

The Power Plant segment connects to an off-site track that continues 0.3 miles south of the TPO property to a BNSF rail line. Sections of this offsite track are in a rundown state; a section is missing having been repurposed for a road junction, and the switchgear connection to BNSF has been removed.

The off-site continuations of both segments are not a part of this declaratory order request as TPO does not own the land they sit on.

On the Board's National Rail Network Map only a small element of the track, a portion of the Power Plant Segment, is shown, highlighted in yellow on the map below. It should be noted that the map shows the rail continuing south and connecting with the BNSF main line. The rail switch that previously made the connection has been removed.

Figure 2 – STB Docket FD 36899 – National Rail Network Map Image Showing TPO Property, Extracted 4th November 2025.



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For completeness, it should be noted that a third north-south trending rail line referred to as the SNR Mallard Slip Segment is also not included in this request. In 1955, the Interstate Commerce Commission approved abandonment of this segment as part of a larger abandonment request including the ferry and track continuation to the north. The slipway itself was condemned by the Coast Guard and later demolished, leaving only the remains of the old pilings.

Previous railroad operators abandoned use and maintenance of these rail lines decades ago, which triggered reversion clauses that terminated their easements (and associated access and use rights) on the TPO Property. Consequently, TPO is the sole owner of the dilapidated rail lines and associated land on the TPO Property.

Argument For a Declaratory Order

The Board has discretionary authority under 5 U.S.C. § 554(e) and 49 U.S.C. § 1321 to issue a declaratory order to eliminate controversy or remove uncertainty, including regarding its jurisdiction over private rail tracks.

Under 5 U.S.C. § 554(e) and 49 U.S.C. Subtitle IV Part A 109 § 10906, notwithstanding Section 10901 and Subchapter II of chapter 113, The Board does not have authority over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or sidetracks.

TPO submits that the rail segments: (1) the former SNR East-West Segment and (2) the Power Plant Segment are private industrial tracks and meet selected criteria for the unregulated § 10906 exemption. Consequently, TPO requests that the Board issue a declaratory order establishing that (1) the “TPO Track” is not a railroad line subject to the Board’s regulatory oversight; and (2) as such, the TPO Track may be abandoned, dismantled, and disposed of without the need for Board authorization. The rationale is summarized below.

The SNR East-West Segment

- TPO acquired the TPO Property on March 10, 2021, and the track can be classified as private track. TPO is the sole owner of railroad lines, associated equipment and spurs, and underlying land rights. No other companies, including common carrier railroads, have access to or may operate over the track.
- The TPO track for many years prior to its operational abandonment was solely used for industrial traffic. Built in 1913, passenger services ceased in 1941 due to lack of ridership. After that time, the track was exclusively used for intermittent industrial service until approximately 1992, when the nearby industrial customers closed and

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traffic ceased. Therefore, for eighty-four years, fifty-one of them in operation, the track was only used for industrial purposes.

- The segment is not shown on the Board's National Rail Network Map, indicating that the Board is currently not considering the track subject to Board jurisdiction pursuant to 49 U.S.C. § 10501.

The Power Plant Segment

- TPO acquired the TPO Property on March 10, 2021, and the track can be classified as private track. TPO is the sole owner of the rail lines, associated equipment and spurs, and underlying land rights. No other companies, including common carrier railroads, have access to or may operate over the track.
- Built in 1954 as an exclusively private siding during construction of the Pittsburg Power Plant, the line was used intermittently to move heavy equipment and supplies until approximately 1993, when traffic ceased. No passenger services have ever operated on the track and therefore for its entire operational existence the track has only been used for private industrial purposes that ceased over 30 years ago.
- The construction of the line was as a classic spur line, off the BNSF main line (that is still active) located south of the TPO property. A rail switch out, now removed, was constructed from the BNSF line and the track went directly into the Power Plant. The track had no other entrance or exit.
- The omission of all but a very small segment on the Board's National Rail Network Map indicate that, even before receiving the factual background with this application for a declaratory order, the Board is currently not considering the majority of the track as regulated.

CONCLUSION

The requested declaratory order will support future planning and redevelopment efforts by removing any controversy or uncertainty surrounding the status of the TPO track. This includes TPO's contracted title company who have confirmed that a declaratory order by the Board will enable them to update the property title to reflect that outcome. TPO is currently assessing significant redevelopment options for the TPO Property. Property redevelopment offers significant growth opportunities for Pittsburg and the wider Contra Costa County.

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TPO respectfully submits that the evidence it has garnered through extensive research demonstrates that the TPO Tracks are, and have been, private industrial spurs and sidetracks, meeting the criteria 49 U.S.C. Subtitle IV Part A 109 § 10906. We request that the Board issue a declaratory order for all TPO Tracks and clarify that the TPO Track is not a railroad line subject to the Board's regulatory oversight and as such, the TPO Track may be abandoned, dismantled, and disposed of without the need for Board authorization.

Three exhibits are submitted with this application to provide additional information to the Board as follows:

- Exhibit 1. Property Description supported by (A) Legal Property Description and (B) Reversion of Easements.
- Exhibit 2. Photos.
- Exhibit 3. Filing Payment Notice.

Respectfully submitted,

C. Evan Knapp

C. Evan Knapp,
The Pittsburg Owner LPV, LLC,
888 San Clemente Drive,
Suite 100,
Newport Beach,
California, 92660
eknapp@integralcommunities.com

Vice President of The Pittsburg Owner LPV, LLC

Dated: 1st April 2026

**AUTHORIZING RESOLUTION OF THE MANAGING MEMBER
OF
THE PITTSBURG OWNER LPV, LLC,
a Delaware limited liability company**

The undersigned, being the managing member (the “Managing Member”) of THE PITTSBURG OWNER LPV, LLC, a Delaware limited liability company (the “Company”), in accordance with the authority contained in Section 18-302 of the Delaware limited liability company Act and the Amended and Restated Operating Agreement of the Company, dated October 7, 2021 (as amended, the “Operating Agreement”), hereby authorizes the adoption of the following resolutions and to the actions set forth herein as of January 1, 2026:

WHEREAS, Section 6.12 of the Operating Agreement authorizes the Managing Member to appoint such authorized representatives or officers of the Company as the Managing Member may deem necessary or advisable to manage the business affairs of the Company.

WHEREAS, the Managing Member wishes to delegate authority to the authorized officer set forth herein to have the powers, duties and responsibilities of such office typically performed by the Vice President of a corporation organized under the Delaware General Corporation Law and to execute documents, instruments, entitlements, contracts, and agreements (collectively, the “Documents”) on behalf of the Company as may be necessary in connection with the Company’s entitlement and business activities;

NOW, THEREFORE, BE IT RESOLVED, that C. Evan Knapp (“Vice President”), acting alone and without the need to obtain consent from any other individual, has the power, duty and responsibility of such office typically performed by the Vice President of a corporation organized under the Delaware General Corporation Law and is hereby authorized and directed to take all actions, and to execute and deliver any and all Documents as may be necessary in connection with the Company’s entitlement and business activities but only after such documents have been reviewed and approved by legal counsel for the Company;

RESOLVED FURTHER, that any actions previously taken by the Vice President in accordance with the terms herein are hereby ratified and approved;

RESOLVED FURTHER, that the Vice President is hereby authorized and directed to take any and all such additional actions and undertakings as necessary to carry out the purposes of the foregoing; and

RESOLVED FURTHER, that these resolutions adopted by the Managing Member may be delivered via facsimile or electronic mail transmission (including .pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000, e.g., www.docusign.com) or other transmission method and any such delivery shall be valid and effective for all purposes.

[signature page follows]

IN WITNESS WHEREOF, the undersigned has executed this Authorizing Resolution of the Managing Member of the Company effective as of the date first written above.

IL MASTER, LLC,
a Delaware limited liability company

By: IL MANAGER, LLC,
a Delaware limited liability company,
its Managing Member

By: KPMW INTEGRAL, LLC,
a California limited liability company,
its Managing Member

By: Craig A. Manchester
Name: Craig A. Manchester
Title: Manager