

SERVICE DATE – MAY 8, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36899

THE PITTSBURG OWNER LPV, LLC—PETITION FOR DECLARATORY ORDER

Decided: May 8, 2026

On December 8, 2025, Jonathan Elton, on behalf of The Pittsburg Owner LPV, LLC (TPO), filed a petition for declaratory order (December 8 Petition) requesting that the Board declare that a certain railroad line in Pittsburg, Cal., is not subject to the Board’s jurisdiction and may therefore be abandoned and the track removed without the need for Board authorization.

Because Elton is neither an attorney nor a registered non-attorney practitioner, on March 23, 2026, the Board held the proceeding in abeyance and directed that either Elton must show cause as to why he can represent TPO or TPO must resubmit the petition through an attorney, registered Board practitioner, or authorized officer or director of TPO. In addition, the Board noted that a memorandum created by a third party and appended to the petition appeared to be an altered version of a similar memo Elton submitted on TPO’s behalf in a different docket. No explanation was provided for the apparent differences between the two, nor was there any indication that the changes either originated with or were authorized by the named drafter. The Board directed the submission of either (1) a new memorandum, contemporaneously signed and dated by the named author, or (2) the original, unaltered memorandum *and* an explanation of any details that Elton or TPO would change, update, or correct about the memorandum.

On April 6, 2026, the Board received a new petition (April 6 Petition), submitted by C. Evan Knapp, Vice President of TPO, with an appended resolution authorizing Knapp to represent TPO. The same day, the Board also received a submission from Elton stating that the memorandum attached to the December 8 Petition merely incorporates “the new filing reference” and “minor text changes.” (Elton Reply 2.) However, neither filing included a new, contemporaneously signed and dated memorandum or the unaltered original as the Board had directed.

The April 6 Petition—which did not include any legal memorandum or the other exhibits the filing references—will be accepted, as it was submitted by a duly authorized representative of TPO. The legal memorandum attached to the December 8 Petition will not be considered, because the alterations in that memorandum as compared with the one submitted earlier in a different docket have not been sufficiently explained and are substantial enough to require resubmission if TPO wishes it to be considered. Accordingly, TPO may submit a new memorandum, which must be contemporaneously dated and signed by the attorney author, by

May 28, 2026, should it wish to do so. By that same date, TPO also may submit the other exhibits that are referenced in, but omitted from, the April 6 Petition.

As the April 6 Petition will be accepted, the abeyance will be lifted. Replies to the petition will be due June 17, 2026.

It is ordered:

1. The April 6 Petition is accepted, and this proceeding is removed from abeyance.
2. TPO may submit a legal memorandum, contemporaneously dated and signed by the attorney author, in support of its petition, as well as the other exhibits referenced in the petition, by May 28, 2026.
3. Replies to the petition are due by June 17, 2026.
4. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.