

SERVICE DATE – MARCH 23, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36899

THE PITTSBURG OWNER LPV, LLC—PETITION FOR DECLARATORY ORDER

Decided: March 23, 2026

On December 8, 2025, Jonathan Elton, on behalf of The Pittsburg Owner LPV, LLC (TPO), filed a petition for declaratory order 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.

Under the Board’s regulations, filings must be prepared and signed either (1) by an attorney, see 49 C.F.R. § 1103.2, or (2) by a registered non-attorney practitioner, see 49 C.F.R. § 1103.3. Alternatively, because a corporation cannot represent itself per se, an officer or director, if properly authorized by the corporation, may represent the corporation in Board proceedings. See 49 C.F.R. § 1104.4. The Board has explained in several decisions that filers may be required to demonstrate why they are able to serve in a representative capacity. See Codorus Creek Ry.—Feeder Line Appl.—Stewartstown R.R., FD 35071 (STB served Apr. 13, 2010); N.H. Dep’t of Transp.—Aban. Exemption—Between Littleton, N.H., & Bethlehem, N.H., AB 1237, slip op. at 3 (STB served Dec. 3, 2015); TBL Group, Inc.—Control—JKS Limousines, LLC, Docket No. MCF 21113 et al. (STB served Jan. 8, 2024).

Here, Elton has filed a petition for declaratory order on behalf of TPO but has not shown that he is either an attorney or licensed Board practitioner, or that he is an officer or director of TPO. Accordingly, it is not clear whether Elton can represent TPO in this proceeding. As such, Elton will be directed to show cause as to why he can represent TPO here.

Moreover, appended to the petition is a memorandum created by a third party and dated April 23, 2025, which appears to be an altered version of a similar memo, also dated April 23, 2025, that TPO had submitted earlier in a different docket. TPO provides no explanation for the differences between the version of the memo previously submitted and the version submitted with the petition on December 8, nor any indication that the changes either originated with or were authorized by the named drafter. Thus, in any response to the show-cause order, Elton will thus be directed to either (1) file a new memorandum, contemporaneously signed and dated by the author, or (2) submit the original, unaltered memorandum from April 23, 2025, and explain in the petition or in a separate exhibit any details that Elton and TPO would change, update, or correct about the memorandum.

Until these issues are resolved, the Board will not adjudicate the petition filed in Docket No. FD 36899 or any other filings made by Elton on behalf of TPO. Elton will be directed to respond by April 6, 2026.

In the alternative, TPO may resubmit its petition through an attorney, a licensed Board practitioner, or an authorized officer or director of TPO, thereby mooting the issue of Elton's representational capacity. If TPO elects to proceed in this manner, it is directed either (1) to file a new memorandum, contemporaneously signed and dated by the author, or (2) submit the original, unaltered memorandum from April 23, 2025, and explain in the petition or in a separate exhibit any details that TPO would change, update, or correct about the memorandum. If the issues raised here are not timely addressed, the proceeding will be dismissed.

It is ordered:

1. Elton must respond to the issues in this decision by April 6, 2026. Alternatively, TPO must resubmit the petition through an attorney, a licensed Board practitioner, or an authorized officer or director of TPO. If the issues raised here are not timely addressed, the proceeding will be dismissed.

2. This proceeding is held in abeyance pending further order of the Board.

3. This decision is effective on its service date.

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