

November 30, 2025

Dear Mendocino Council of Governments Board Members,

Please accept this document as my public comment for your Dec 1, 2025 MCOG Board meeting in reference to Mendocino County's Interregional Transportation Improvement Program and to any transportation planning .

I am a resident of Fort Bragg and a registered voter in Mendocino County. I urge MCOG to exclude Mendocino Railway/Skunk Train from the Interregional Transportation Improvement Program and from all MCOG's transportation planning.

**Given the evidence, the inclusion of this entity is not justified.**

### **1. The railway's proposals are not feasible**

The transportation concepts Mendocino Railway has promoted are not viable in practice. Their operations remain limited to tourism-oriented excursions and recreational activities—not genuine freight or public transportation services.

Substantial portions of the Mendocino Railway track have not supported freight or passenger service for many years. The line has deteriorated to the point that it cannot be feasibly repaired or maintained. The tunnel on the line—already long out of service—has collapsed twice, further preventing any possibility of through-rail operations.

This reinforces that the system is not a viable transportation corridor and should not be treated as one in regional planning. The first more-recent collapse happened on April 11, 2013, when "Tunnel No. 1" partially collapsed, burying nearly 50 feet of track under rock and soil. Then in 2015, another collapse reportedly severed the line east of Fort Bragg — described as "catastrophic. The tunnel remains non-operational; there has been no dependable through-rail service between Fort Bragg and Willits.

Mendocino Railway faces a very high burden to prove the route is stable, especially given its history of tunnel collapses, neglected track maintenance, and extended periods of disuse. Here's a breakdown of the technical and legal steps they would need to demonstrate stability:

#### **A.) Engineering and Geotechnical Surveys**

- **Track and Subgrade Inspection:** Every mile of track must be examined for rot, corrosion, and structural weakening of ties, rails, and ballast.
- **Tunnel and Bridge Assessment:** Structural engineers must inspect tunnels, trestles, and bridges for cracks, erosion, water damage, or signs of instability.

- **Soil & Rock Stability Studies:** Geotechnical engineers would need to study the tunnel and track foundation soils, rock formations, and slope stability along the entire route. This would likely include drilling, core sampling, and stress modeling.

## B.) Monitoring and Testing

- **Load Testing:** Demonstrate that the track can safely support expected train loads, including freight or passenger cars.
- **Long-Term Structural Monitoring:** Sensors to detect shifts, subsidence, or water infiltration—especially in tunnels prone to collapse.
- **Environmental Stress Tests:** Test for seismic activity, heavy rain/flooding impact, and other natural risks that could destabilize the route.

## C.) Regulatory Approval

- **State Railroad Authorities:** Must certify that the line meets federal and state safety standards for freight or passenger service.
- **Local & Coastal Commission Approvals:** Any work in sensitive areas (coastal zones, rivers, wetlands) must comply with planning and environmental laws.
- **Ongoing Maintenance Plan:** Demonstrate a realistic, funded plan for continual inspection and maintenance—especially for tunnels and trestles.

## D.) Legal Challenges

- Given the 2023 court ruling (see more on that below) rejecting their “public utility” claim, any assertion that the line is stable enough for eminent-domain or public-use purposes would be **scrutinized heavily**. They would need **independent engineering reports** and likely **third-party verification** to counter the history of collapses and neglect.

**Bottom line:** proving stability isn’t just showing “the tracks are still there.” After decades of minimal maintenance, collapsed tunnels, and intermittent tourist service, they would need extensive engineering documentation and ongoing safety monitoring—essentially rebuilding the railway to modern standards. Even then, regulators and courts could still find the line unsuitable for inclusion in regional transportation plans.

## **2. Mendocino Railway is not recognized as a public utility**

Mendocino Railway has repeatedly claimed that it is a “common carrier” railroad and therefore a “public utility” with eminent-domain authority. However, state, and local agencies—including the City of Fort Bragg and the California Coastal Commission—have rejected these claims, asserting that the company must comply with local and state permitting requirements like any other private developer.

## **3. Courts have rejected their eminent-domain claims**

The discrepancy between the Railway’s claims and its actual operations was central in the eminent-domain case involving a 20-acre parcel owned by John Meyer near Willits.

- In 2020, Mendocino Railway attempted to condemn this property for proposed infrastructure.
- In 2023, the court ruled in Meyer’s favor, finding that Mendocino Railway failed to meet the legal threshold for being a public utility.
- The court also determined that the taking was primarily for private commercial benefit, not a legitimate public use.
- Critically, the court noted that the Railway’s operations are limited to short run tourist excursions, railbikes, and special events, not functioning freight or passenger transportation.

## **4. Misleading claims create risk for public agencies**

Mendocino Railway continues to present itself as a public utility railroad despite repeated legal and regulatory findings to the contrary. These discrepancies present a significant risk for MCOG if it were to base transportation planning on assumptions that have been legally challenged or invalidated.

## **CONCLUSION**

For all these reasons, I ask MCOG to remove Mendocino Railway/Skunk Train from any transportation plan, including the Interregional Transportation Improvement Program.

Doing so will help ensure that public transportation policy is based on accurate information, lawful status, and realistic feasibility—not on unsupported claims.

Thank you for your consideration.

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