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July 1, 2020

300812

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
July 1 2020
Part of
Public Record

By electronic filing

**Re: STB FINANCE DOCKET NO. 35692
Eastside Community Rail, LLC – Acquisition and Operation Exemption–GNP
RLY, Inc**

STB FINANCE DOCKET NO. 35730

**Ballard Terminal Railroad Company, LLC -- Lease Exemption -- Eastside
Community Rail, LLC**

Dear Ms. Brown:

Please accept for filing the accompanying certification of Kevin Kucera in these matters.

Should the Board have any questions, kindly contact me directly, either by telephone (908) 361-7097 or by email jsavagelaw@aim.com.

Respectfully submitted,
James H. M. Savage

S/James H. M. Savage

by electronic signature

James H. M. Savage

Counsel for GNP RLY, LLC

NW Signal Maintenance, LLC and

Kevin Kucera

cc: service list

Certificate of Service

I certify that I have this day served copies of all documents on parties or record in this proceeding, by electronic mail.

James H. M. Savage, Esq.

S/James H. M. Savage
by electronic signature

James H. M. Savage
Counsel for **GNP RLY, LLC**
NW Signal Maintenance, LLC and
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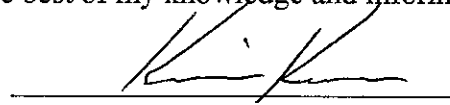
Certification

I, Kevin Kucera, of full age, make this Certification based upon personal knowledge as well as upon facts made known to me in connection with proceedings bearing STB Finance Docket Nos. 35692 and 35730.

1. I previously filed a Certification in these matters on September 4, 2018.
2. I am updating my 2018 Certification to include events transpiring or made known to me after September 4, 2018.
3. On or about April 7, 2020 I acquired from the Estate of Thomas Payne ownership and control of the licensed Class III railroad carrier GNP RLY Inc ("GNP").
4. I reaffirm and expand my prior Certification to clarify that neither I nor ~~North West~~ Signal Maintenance LLC ("NWS"), nor GNP have made any commitment to run passenger service for or with Douglas Engle, or with any entity he controls, purports to control, may obtain control of, or in any way has either now or may or in the future obtain any financial interest in, be that freight, passenger or otherwise. *NW KSK 7/01/2020*
5. I understand that the 2009 Operation and Maintenance Agreement ("O&M") formerly governing the subject rail line expired or terminated in late 2019 and is no longer effective.
6. NWS's October 2017 transaction with Douglas Engle was never consummated by the filing of a Deed or any other legal instrument. I acknowledge paying Mr. Engle a nominal sum for some GNP business property in his possession. I thus consider the transaction to have been made for good and valuable consideration.
7. Due to changed circumstances, I am now in a position to negotiate with regard to GNP reacquiring the freight rail service easement on those segments of the former BNSF Eastside Rail Corridor forming the substance matter or these proceedings.
8. I support Snohomish County's petition for revocation of the Engle and ECR exemptions for the reasons set forth by Snohomish County in these proceedings and in the related proceeding before the DC Circuit Court of Appeals.
9. I oppose Douglas Engle's actions and misrepresentations with regard to his misappropriating GNP rights and property in 2011, including Snohomish County's freight easement and I ask the Board to revoke same, and order their immediate their reconveyance to GNP as being in the Public Interest.
10. I am ready, willing and able to negotiate an agreement with Snohomish County for the restoration of the rail line and freight rail service as well as such other matters upon which the parties may agree. Should agreement be reached, the Board will be properly notified by the filing of appropriate Exemption proceedings reflecting same.

11. The uncertainty resulting from the present legal status of this matter has complicated those negotiations and frustrated the parties.

The foregoing statements made by me are true to the best of my knowledge and information.

A handwritten signature in black ink, appearing to read 'Kevin Kucera', is written over a horizontal line.

Kevin Kucera

Dated: July 1, 2020