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SERVICE DATE – JULY 10, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35692

EASTSIDE COMMUNITY RAIL, LLC—ACQUISITION AND OPERATION  
EXEMPTION—GNP RLY INC.

Docket No. FD 35730

BALLARD TERMINAL RAILROAD COMPANY, L.L.C.—LEASE EXEMPTION—  
EASTSIDE COMMUNITY RAIL, LLC

Decided: July 9, 2020

On July 12, 2018, Snohomish County, Wash. (the County), a noncarrier, filed in Docket Nos. FD 35692 and FD 35730, respectively, petitions to revoke the exemption of Eastside Community Rail, LLC (ECR), to acquire and operate, and the exemption of Ballard Terminal Railroad Company, L.L.C. (Ballard), to lease, a rail line between milepost 23.80 in Woodinville, Wash., and milepost 38.25 in Snohomish, Wash., known as the Eastside Corridor. The County claimed that the verified notices of ECR and Ballard contained materially false and misleading information and were therefore void ab initio. See 49 C.F.R §§ 1150.32(c), 1150.42(c).

In a decision served on December 13, 2018, the Board denied the County's petitions to revoke. On February 4, 2019, the County filed in both dockets a petition for reconsideration, and three days later also sought judicial review with the U.S. Court of Appeals for the District of Columbia Circuit. The court held the judicial review proceeding in abeyance pending the Board's resolution of the petition for reconsideration.

On May 17, 2019, the Board denied the County's petition for reconsideration, and thereafter, the County filed a second petition for judicial review with the court. On March 27, 2020, the court vacated the December 13, 2018 decision and remanded the case to the Board for further proceedings consistent with its opinion. See Snohomish Cty. v. STB, 954 F.3d 290 (D.C. Cir. 2020).

All post-remand submissions filed with the Board to date will be accepted into the record. Interested parties that have not submitted a post-remand filing to date will be permitted 20 days to submit any comments, until July 30, 2020.

It is ordered:

1. All post-remand submissions filed with the Board to date are accepted into the record.
2. Interested parties that have not submitted a post-remand filing to date may file comments by July 30, 2020.
3. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.