

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

301763

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March 17, 2021
Part of
Public Record

Finance Docket No. 35692

**EASTSIDE COMMUNITY RAIL, LLC-ACQUISITION AND
OPERATION EXEMPTION - GNP RLY, INC
(Woodinville Subdivision, MP 23.8 to MP 38.25)**

Finance Docket No. 35730

**BALLARD TERMINAL RAILROAD COMPANY, LLC - LEASE
EXEMPTION -
EASTSIDE COMMUNITY RAIL, LLC
(Woodinville Subdivision, MP 23.8 to MP 38.25)**

**CITY OF WOODINVILLE, WASHINGTON -
REPLY IN SUPPORT OF SNOHOMISH COUNTY MOTION CONCERNING
RECONVEYANCING**

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March 17, 2021

On February 18, 2021 Snohomish County filed a motion in which the County urged the Board to void a 2011 deed through which GNP RLY, Inc. (“GNP”), in the final days of Douglas Engle’s tenure as CFO, surreptitiously conveyed to Mr. Engle’s father Earl Engle, and to his then-spouse Joanne Engle (now Joanne Skievaski) a rail freight easement (“the Freight Easement”) supporting rail service over a former BNSF branch line between Snohomish and Woodinville, Washington (“the Line”).¹ The Board is familiar with Mr. Engle and with this transaction.² GNP acquired the Freight Easement from BNSF in 2009 in a “State of Maine” transaction through which the Board authorized the Port of Seattle to acquire the Line, subject to the Freight Easement.³ Neither Earl Engle nor Joanne Skievaski are rail carriers, and neither Douglas Engle nor GNP sought Board approval for the acquisition of the Freight Easement by Engle relatives, as required by 49 U.S.C. §§ 10901-02.⁴

The City of Woodinville acquired the southerly 2.58 miles of the Line from the Port in 2015, subject to the Freight Easement.⁵ The City supports Snohomish County’s motion, for the reasons set forth therein. In its December 2020 decision vacating Eastside Community Rail’s

¹ Response By Snohomish County and Renewal of Motion Concerning Reconveyancing, *Eastside Community Rail, LLC – Acquisition and Operation Exemption –GNP RLY, Inc.*, FD 35692 and 35730 (filed Feb. 18. 2021).

² *Eastside Community Rail, LLC – Acquisition and Operation Exemption –GNP RLY, Inc.*, FD 35692 and 35730 (served December 22, 2020) (“*December 2020 Decision*”) (vacating ECR’s acquisition exemption for material misrepresentations in a verified notice of exemption).

³ The Board summarized these transactions in *City of Woodinville, Wash. – Petition For Declaratory Order*, FD 35905, slip op. at 1-2 (served Oct. 7, 2015).

⁴ *Eastside Community Rail, LLC – Acquisition and Operation Exemption –GNP RLY, Inc.*, FD 35692 and 35730, slip op. at 8 (served Dec. 13, 2018).

⁵ Verified Statement of Brandon Buchanan In Support of The City of Woodinville, Washington’s Reply To CWalla Comments On Notice of Recent Development (Embargo Notice) ¶ 2, FD 35692 and 35730 (filed Sept. 15, 2020).

acquisition exemption for the Line the Board declared that “the Line should be returned to GNP. . . .”⁶ Mr. Engle’s recent report, filed February 5, 2021, reveals that he has taken no steps to comply with that mandate.⁷ The relief requested by Snohomish County is therefore a timely and appropriate initiative to resolve the title conflicts that frustrate management of the Line.

March 17, 2021

Respectfully Submitted,

/s/Matthew Cohen

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⁶ *December 2020 Decision*, slip op. at 7.

⁷ Douglas Engle, Report On Status Of The Line, FD 35692 (filed Feb. 5, 2021).

CERTIFICATE OF SERVICE

I certify that on March 17, 2021 I served by email an e-filed copy of the foregoing document upon all parties of record in this proceeding as listed below per the STB service list.

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