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April 16, 2021

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Office of Proceedings
April 16, 2021
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By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36509, *Longview, Portland & Northern Railway Company --
Acquisition and Operation Exemption -- in Douglas County, OR*

Dear Ms. Brown:

Hereby transmitted is a Verified Notice Of Exemption Under 49 C.F.R. § 1150.41 for
filing with the Board in the above referenced matter.

The filing fee of \$2,200 is being paid electronically via *pay.gov*.

Respectfully submitted,

/s/ Thomas F. McFarland
Thomas F. McFarland
*Attorney for Longview, Portland &
Northern Railway Company*

FILED
April 16, 2021
SURFACE
TRANSPORTATION BOARD

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SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

LONGVIEW, PORTLAND &)
NORTHERN RAILWAY COMPANY --) FINANCE DOCKET
ACQUISITION AND OPERATION) NO. 36509
EXEMPTION -- IN DOUGLAS COUNTY,)
OR

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.41**

LONGVIEW, PORTLAND & NORTHERN
RAILWAY COMPANY
77622 US Highway 101
Gardiner, OR 97441

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
2230 Marston Lane
Flossmoor, IL 60422-1336
(708) 704-7679
mcfarland@aol.com

Attorney for Applicant

DATE FILED: April 16, 2021

BACKGROUND

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engine house at Gardiner in 1964. In 1974, Bohemia Lumber Company constructed a planing mill on Bolon Island that processed rough lumber into finished dimension lumber. The IP paper, plywood and lumber mills, and the Bohemia Lumber Company planing mill, all made substantial use of the Rail Line.

The Rail Line connects to CBR at Gardiner Junction. CBR connects to Union Pacific Railroad Company (UP) at Eugene, OR.

The mills at Gardiner and Bolon Island were operated successfully for many years. However, they eventually became unprofitable. The last of the mills closed in 1998. The last LPN traffic reported to the Oregon Department of Transportation was 20 carloads in 1999. Nevertheless, the Rail Line remains substantially in place.

In 2016, Harbor purchased the former IP mill site and the stock of LPN. Inasmuch as Harbor did not control any other rail carrier at that time, Harbor's acquisition of control of LPN did not require Board approval. *See* 49 U.S.C. § 11323(a).

Harbor intends to undertake a broad industrial redevelopment of the mill site and surrounding property at Gardiner. That will require substantial use of rail transportation, including rail-truck and rail-water transloading. Harbor will transfer the Rail Line assets to LPN to provide the needed rail service. LPN will undertake a broad refurbishing of the rail facilities to ensure their utility and safety.

While the Rail Line has not been used for a considerable time, it has never been authorized for abandonment. Consequently, the Rail Line remains subject to Board jurisdiction. This Notice seeks approval of transfer of the Rail Line assets from Harbor to LPN for revival of needed rail service in the Gardiner area.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.43

(a) The full name and address of the applicants;

The full name and address of LPN is:

Longview, Portland & Northern Railway Company
77622 US Highway 101
Gardiner, OR 97441

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence;

LPN is represented by Thomas F. McFarland, Thomas F. McFarland, P.C., 2230 Marston Lane, Flossmoor, IL 60422-1336, ph (708) 704-7679, mcfarland@aol.com.

(c) A statement that an agreement has been reached or details about when an agreement will be reached;

An agreement has been reached between Harbor and LPN for LPN to acquire the assets and operate the Rail Line.

(d) The operator of the property;

LPN will be the operator of the Rail Line.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject operating authority,

A summary of the transaction is:

The transferor is Harbor, P.O. Box 119, Centralia, WA 98531.

(2) The proposed time schedule for consummation of the transaction,

The transaction will not be closed until a Board exemption for the transaction becomes effective.

(3) The mile-posts of the subject property, including any branch lines, and

The Rail Line extends between Milepost 0.0 at Gardiner Junction and Milepost 3.32 at the end of main track in Gardiner, Oregon.

(4) The total route miles being operated;

A total of approximately 3.32 miles of Rail Line will be acquired and operated.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and

The required map is attached to this Notice as Appendix 1.

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier.

Attached as Appendix 2 is certification of Mr. George Heidgerken, President of LPN, that the projected revenues of LPN do not exceed those that would qualify it as a Class III rail carrier.

(h) Interchange Commitments.

(1) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means ("interchange commitment").

LPN hereby certifies that the proposed operation does not involve a provision or agreement that may limit future interchange with a third party connecting carrier.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

The verified Notice of Exemption is not required to contain environmental and historic reporting. See 49 C.F.R. § 1105(c)(1) and 49 C.F.R. § 1105.8(b)(1).

LABOR PROTECTION

The verified Notice of Exemption does not require imposition of labor protective conditions. *See* 49 U.S.C. § 10901(c).

REVENUES LESS THAN \$5 MILLION PER YEAR

Appendix 2 contains a certification that the revenues from the subject transactions would not exceed \$5 million per year.

VERIFICATION

Appendix 2 contains a verification of the truth of all factual assertions in the Notice of Exemption.

CAPTION SUMMARY

A caption summary required by 49 C.F.R. § 1150.34 is attached to this Notice as Appendix 3.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should accept this Notice for filing, and should arrange for it to be published in the *Federal Register* as notice to the general public.

Respectfully submitted,

LONGVIEW, PORTLAND & NORTHERN
RAILWAY COMPANY
77622 US Highway 101
Gardiner, OR 97441

Applicant

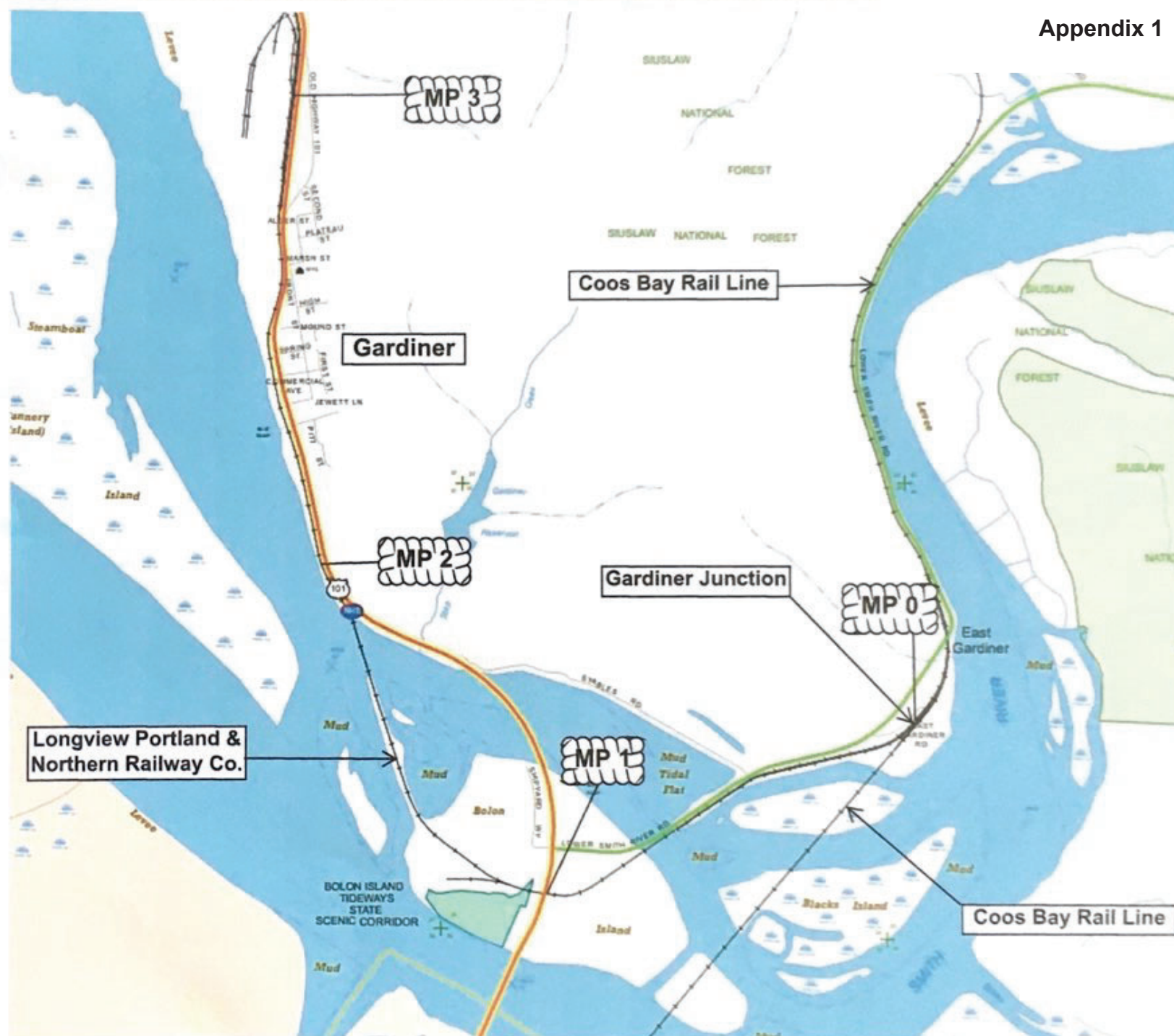
/s/ Thomas F. McFarland

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Attorney for Applicant

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Appendix 1

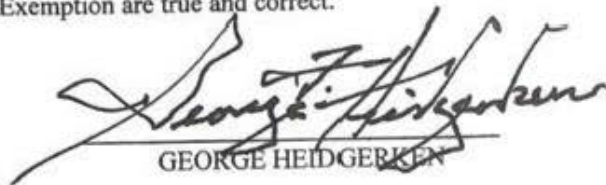


Appendix 2

STATE OF WASHINGTON)
) SS:
COUNTY OF LEWIS)

VERIFICATION

GEORGE HEIDGERKEN, being duly sworn, states that he is President of LONGVIEW, PORTLAND & NORTHERN RAILWAY COMPANY (LPN); that he has read the foregoing Notice of Exemption; that the projected annual revenues of the rail line to be operated by LPN, do not exceed \$5 million; that LPN's projected revenues as a result of the proposed operation will not result in the creation of a Class I or Class II rail carrier; that the proposed operation does not involve any interchange commitment as defined in 49 C.F.R. § 1150.33(h); and that all allegations of fact contained in the Notice of Exemption are true and correct.


GEORGE HEIDGERKEN

SUBSCRIBED AND SWORN to
before me this 8th day of April, 2021.


Notary Public

My Commission Expires: 10/21/2022



Appendix 3

CAPTION SUMMARY

**SURFACE TRANSPORTATION BOARD
VERIFIED NOTICE OF EXEMPTION**

(Finance Docket No. 36509)

**LONGVIEW, PORTLAND & NORTHERN RAILWAY COMPANY
-- ACQUISITION AND OPERATION EXEMPTION -- IN DOUGLAS COUNTY, OR**

Longview, Portland & Northern Railway Company, a Class III rail carrier, has filed a Verified Notice of Exemption for its acquisition from Industrial Harbor USA, LLC, and operation of a rail line that extends between Gardiner and Gardiner Junction, (Milepost 0.0 to Milepost 3.32) a distance of approximately 3.32 miles in Douglas County, Oregon (the Rail Line).

This Notice of Exemption is filed under 49 C.F.R. § 1150.41. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption can be filed at any time. The filing of a petition to revoke will not automatically stay the transactions.

(SEAL)

By the Board