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August 26, 2021

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

VIA ELECTRONIC FILING

**Re: STB Finance Docket No. 36539 WRL LLC dba Rainier Rail – Lease and Operation
Exemption – City of Tacoma DPW dba Tacoma Rail Mountain Division**

Dear Ms. Brown:

Pursuant to the Board's electronic filing Rules, attached for filing is an original **Verified Notice of Exemption of WRL LLC dba Rainier Rail** ("Notice") under 49 C.F.R. § 1150.41(a)(3) in the above captioned proceeding. A Certification of electronic service of the within Notice is also attached. Applicant has separately submitted the \$2,200 filing fee per 49 C.F.R. § 1002.2(f)(14)(ii).

Pay.gov tracking ID: 26T4BH5J.
Agency Tracking ID number: 76139593135.

If there are any questions about this matter, please contact me by telephone at (908) 361-7097 or by email to jsavagelaw@aim.com.

Respectfully submitted,

/s/ James H. M. Savage
[electronically signed]

James H. M. Savage
Counsel for WRL LLC

FEE RECEIVED
August 26, 2021
SURFACE
TRANSPORTATION BOARD

Attachment

FILED
August 26, 2021
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 36539

**WRL LLC DBA RAINIER RAIL
—LEASE AND OPERATION EXEMPTION—
CITY OF TACOMA DEPARTMENT OF PUBLIC WORKS DBA TACOMA RAIL
MOUNTAIN DIVISION**

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 C.F.R. § 1150.41, ET SEQ.

WRL LLC dba Rainier Rail (“WRL”), a Washington limited liability company and an existing Class III carrier, hereby files this Verified Notice of Exemption pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.41, et seq., to lease from the City of Tacoma, Department of Public Works dba Tacoma Rail Mountain Division (“Tacoma Rail”) and operate an 0.8 mile segment of rail (“McKenna Segment”) previously operated by Tacoma Rail.

The McKenna Segment adjoins a 4.4 mile rail segment previously acquired by WRL from Tacoma Rail pursuant to an exemption notice filed with the Board on August 26, 2019 in Finance Docket No. 36341 (the “Rainier Segment”). The Rainier Segment is itself contiguous to a 34.6 mile rail line (“Line”) previously acquired by WRL from Tacoma Rail pursuant to an exemption notice filed with the Board on September 30, 2016 in Finance Docket No. 36074.¹

The McKenna Segment is located entirely within Pierce County, WA.

¹ WRL became the Line’s operator pursuant to an exemption notice filed with the Board on June 30, 2017 in Finance Docker No. 36132.

REQUIRED INFORMATION

WRL submits the following information required by 49 C.F.R. § 1150.43:

Name and Address of applicant: 49 C.F.R. § 1150.43(a)

The full name and address of the applicant is as follows:

WRL LLC dba Rainier Rail
709 N. 10th Ave.
Walla Walla, WA 99362

Applicant's Representative: 49 C.F.R. §1150.43(b)

Applicant's representative to whom correspondence regarding this transaction should be sent is as follows:

James H. M. Savage, Esq.
22 Rockingham Court
Germantown, MD 20874
Tel: (908) 361-7097
Fax: (301) 972-5743

Statement Concerning Agreement: 49 C.F.R. §1150.43(c)

WRL has reached an agreement with Tacoma Rail to lease and operate the McKenna Segment upon the exemption effective date as established by the Board.

Operator of the Property: 49 C.F.R. § 1150.43(d)

WRL will become the operator of the McKenna Segment upon the exemption effective date as established by the Board.

Summary of the Transaction: 49 C.F.R. § 1150.43(e)

This exemption involves the lease and operation by WRL of a rail segment previously operated by Tacoma Rail, which rail segment will remain under ownership by the City of Tacoma Department of Public Works.

(1) The name and address of the entity leasing to WRL the subject rail segment:

City of Tacoma Department of Public Works dba Tacoma Rail Mountain Division
2601 SR 509 North Frontage Road
Tacoma, WA 98421

(2) Proposed time schedule for consummation:

The transaction is expected to be consummated on or about September 25, 2021
(Thirty (30) days after the filing of this Notice of Exemption).

(3) Mileposts of the subject property:

Between Tacoma Rail Milepost 28.6 and Milepost 27.8C near McKenna in Pierce
County, WA.

(4) Total route miles being acquired:

Approximately 0.8 miles.

Map of area to be served: 49 C.F.R. § 1150.43(f)

A map is attached as Exhibit A.

Certification of Revenues: 49 C.F.R. § 1150.43(g)

Attached as Exhibit B is a certificate affirming that WRL's projected revenues as a result
of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require
processing under 49 CFR § 1150.45.

Interchange Commitments: 49 C.F.R. § 1150.43(h)

The proposed transaction does not involve any provision or agreement that would limit
future interchange with a third-party connecting carrier.

ENVIRONMENTAL AND HISTORIC IMPACTS

Pursuant to 49 C.F.R. § 1105.6(c)(2)(i), the proposed transaction is exempt from
environmental review because the action proposed herein will not exceed any of the thresholds
established in 49 C.F.R. § 1105.7(e)(4) or (5).

In addition, the proposed transaction is exempt from historic review under 49 C.F.R.
§ 1105.8(b)(1), because the action proposed herein is for the purpose of continued rail

operations. Further STB approval would be required to abandon any service, and there are no plans to dispose or alter properties subject to STB jurisdiction that are 50 years or older. This action will not significantly affect the quality of the human environment or energy conservation.

CAPTION SUMMARY

A caption summary, as required by 49 C.F.R. § 1150.44, is attached as Exhibit C to this notice.

ADVANCE NOTICE

The projected annual revenue of WRL is not expected to exceed \$5 million, and, accordingly, the advance notice requirements of 49 C.F.R. § 1150.42(e) are inapplicable to this transaction. See Certification and Verification of Paul Didelius attached as Exhibit B.

Respectfully submitted,

/s/ James H. M. Savage

[electronically signed]

James H. M. Savage
22 Rockingham Court
Germantown, MD 20874
(908) 361-7097 office
(301) 972-5743 fax
jsavagelaw@aim.com
Counsel for WRL LLC dba Rainier Rail

Dated: August 26, 2021

EXHIBIT A
P2021-112
L186

Continued City of Tacoma ownership and
Tacoma Rail Mountain Division Operation

Ends
27.8C

Lease Area

28.6

Current WRL ownership / Ops



EXHIBIT B

CERTIFICATE AND VERIFICATION

I, Paul Didelius, hereby certify and verify under penalty of perjury as follows:

1. I am the owner of WRL LLC dba Rainier Rail ("WRL") authorized to execute this document on behalf of WRL;
2. The annual rail revenues of WRL are not expected to exceed \$5 million and will not result in WRL becoming a Class I or II rail carrier under the threshold set forth in 49 CFR § 1201 (11); and
3. I have read the foregoing Notice of Exemption filed in Docket No. FD 36539, and know the facts set forth therein are true and correct.



Paul Didelius

Dated: August 26, 2021

Exhibit C

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB FINANCE DOCKET NO. 36539

**WRL LLC DBA RAINIER RAIL
—LEASE AND OPERATION EXEMPTION—
CITY OF TACOMA DPW DBA TACOMA RAIL MOUNTAIN DIVISION**

WRL LLC dba Rainier Rail (“WRL”), an existing Class III common carrier, has filed a Verified Notice of Exemption, pursuant to 49 C.F.R. Section 1150.41 et seq., to lease and operate 0.8 miles of railroad between Milepost 28.6 and Milepost 27.8C near McKenna, in Pierce County, WA (the “McKenna segment”) which City of Tacoma DPW dba Tacoma Rail Mountain Division currently operates. WRL expects to consummate this transaction and commence operation of the Line on or after the effective date of this Notice of Exemption. The proposed change in operator of the McKenna segment does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. Comments must be filed with the Board and served on James H. M. Savage, Esq., 22 Rockingham Court, Germantown, MD 20874, Tel. (908) 361-7097.

This Notice 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 under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: August 26, 2021

By the Board

CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have electronically signed and served this 26th day of August 2021, by electronic mail, a true copy of the Lease and Operation Exemption Notice filed by WRL LLC in STB Finance Docket No. 36539 in the within proceeding upon the following person:

City of Tacoma Department of Public Works
Alan Matheson
Assistant Superintendent
Tacoma Rail / Tacoma Public Utilities
2601 SR 509 North Frontage Road
Tacoma, WA 98421
Tel. (253) 502-8934
alan.matheson@cityoftacoma.org

/s/ James H. M. Savage

(by electronic signature)

James H. M. Savage
Counsel for WRL LLC dba Rainier Rail