



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

ENTERED 202-245-0260
FAX 202-245-0460

Office of Proceedings
September 29, 2021

Meeting under Section 5, STB Reauthorization Act

May 27, 2021

Part of
Public Record

Present: Members Begeman, Fuchs, Oberman, Primus and Schultz
Staff Stephanie Borges, Rachel Campbell, Douglas Eden, Ellen Erichsen,
Amanda Gorski, Theodore Hunt, Craig Keats, Adam Kress, Barbara Miller,
Lisa Novins, Janie Sheng, Michael Small, Amy Ziehm, Scott Zimmerman

Topic: Docket No. FD 35692, Eastside Cmty. Rail, LLC—Acquis. &
Operation Exemption—GNP RLY Inc.; Docket No. 35730, Ballard Terminal
R.R. Co., L.L.C. – Lease Exemption – Eastside Cmty. Rail, LLC

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on the renewed motion to reconvey filed by Snohomish County, Wash. (Snohomish). The motion relates to the Board's decision granting Snohomish's request to revoke as void *ab initio* an exemption for acquisition and operation authority granted to Eastside Community Rail, LLC (ECR) and a related operations exemption. After finding that the notice of exemption contained materially misleading information about the underlying rail easement at issue, the Board vacated the notice and held that the easement should be returned to GNP Rly, Inc. (GNP). Snohomish reported in its renewed motion that it did not appear that the easement had been returned to GNP.

Staff and Board Members discussed the history of the proceedings and the easement, and options for addressing Snohomish's motion.