

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
February 18, 2022
Part of
Public Record

COLUMBIA SHIPYARDS RAILROAD LLC—OPERATION EXEMPTION --
PORTLAND VANCOUVER JUNCTION RAILROAD, LLC, CLARK COUNTY,
WASHINGTON

FINANCE DOCKET NO. 36582

NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.33

Pursuant to 49 C.F.R. § 1150.31(a)(3), Columbia Shipyards Railroad LLC (CSBP), a non-carrier, hereby provides notice of its class exemption from 49 U.S.C. § 10902 for its operation of lines of railroad as a common carrier by railroad, pursuant to a transfer by its corporate affiliate, Portland Vancouver Junction Railroad, LLC (PVJR) of its rights and obligations to perform common carrier switching service pursuant to an Agreement with FC Service LLC, a non-carrier Agent for Columbia Business Center, which owns the rail properties as a non-rail carrier. The lines, which consist of approximately 3 miles of tracks, are located within a business park in Clark County, Washington. There are no mileposts. The lines interconnect with the lines of

BNSF. **FILED**
February 18, 2022

SURFACE **BACKGROUND**
TRANSPORTATION BOARD

FEE RECEIVED
February 18, 2022
SURFACE
TRANSPORTATION BOARD

To address recurring problems, involving demurrage charges and other operational matters related to interchange with BNSF, that have previously

been brought to the Board's attention and to avoid further problems, Columbia Business Center, pursuant to an Agreement signed by its Agent, FC Services, Inc., also a non-carrier, entered into an Agreement with PVJR, which is a Class III rail common carrier, to provide switching services as a common carrier. By decision dated July 28, 2017, the Board in Finance Docket No. 36134, *Portland Vancouver Junction Railroad, LLC—Operation Exemption—Rail Lines of Columbia Business Center, Clark County, Wash.* granted PVJR's request that the Board, to avoid any interruption of essential rail service and to ensure continuity of service, advance the effective date of the transaction to July 31, 2017. The Agreement was consummated on July 31, 2017.

As explained in the concurrently filed Verified Notice of Exemption, PVJR's owner subsequently concluded that the establishment of a new corporation would be in the best interests of the corporate family as it would draw a distinction between the generalized freight rail operations conducted by PVJR and the common carrier railroad switching services it performed on behalf of Columbia Business Center.¹

¹ On February 4, 2022, a notice was filed to advise the Board for a prospective name change for the operator or the switching service. For the reasons set forth in concurrently filed Notice of Exemption, FD No. 36583, *Eric Temple-Continuance in Control-Central Washington Railroad Company, Columbia Basin Railroad Company, Inc., Portland Vancouver Junction Railroad, LLC, and Columbia Shipyards Railroad LLC*, it was decided to form a new corporation.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) The full name and address of the applicant: Applicant is Columbia Shipyards Railroad LLC. Its address is 2265 116th Ave. NE, Suite 210-8, Bellevue, WA 98004.

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

Applicant's attorney is Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016, (202) 363-2011.

(c) A statement that an agreement has been reached or details about when an agreement has been reached:

An Agreement has been reached for the transfer of the Rail Switching Services Agreement from PVJR to CSRX has been reached. The term of the Agreement is currently scheduled to commence on the date that the transfer has the approval of Columbia Business Center.

(d) The operator of the property:

CSRX will operate the lines following the consummation of the transaction.

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

(1) The name and address of the railroad transferring the subject property to the non-rail carrier applicant:

The entity that is transferring operational authority over the lines is Portland Vancouver Junction Railroad, LLC. Its address is 2265 116th Ave NE, Suite 210-8, Bellevue, WA 98004.

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

Consummation of the transaction is scheduled for the 31st day following the Board approval of the transfer. August 1, 2017.

(3) The mileposts of the subject property, including any branch lines:

There are no Milepost Numbers.

(4) The total route miles being acquired.

Approximately 3 miles or rail lines are involved.

(f) A map that clearly indicates the area to be service, including origins, termini, stations, cities, counties, and states:

The required map is attached to this Notice as Appendix 1. The tracks are located in Clark County, Washington.

(g) A certificate that applicant'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 Sec. 1150.45.

The required certificate is contained in the Verification of Mr. Eric Temple, President of Portland Vancouver Junction Railroad, LLC and Columbia Shipyards Railroad LLC, which is attached to this Notice as Appendix 2.

(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").

The proposed acquisition and operation of the Rail Lines do not involve any provision or agreement that may limit future interchange commitments.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.44 is attached to this Notice as Appendix 3.

ENVIRONMENTAL AND HISTORIC MATTERS

By virtue of 49 C.F.R. § 1105.6(c)(1), no environmental assessment is required in conjunction with the proposed acquisition and operation. Also, by virtue of 49 C.F.R. § 1105.8(b)(1), no historic reporting is required.

LABOR PROTECTION

By virtue of 49 U.S.C. § 10902, no labor protection conditions are to be imposed in conjunction with this Notice. Nevertheless, CSRX intends to offer employment to all of the PVJR employees who currently operate within the business park.

ANNUAL REVENUES

The certificate required by 49 C.F.R. § 1150.43(g), confirming that Columbia Shipyards Railroad LLC'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 C.F.R. § 1150.45), is contained in Appendix 2 attached to this Notice.

VERIFICATION

A general verification of all factual assertions in this Notice is contained in Appendix 2.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, within 16 days after the filing of this Notice, the Director of the Board's Office of Proceedings should arrange for publication of notice of the filing of this Notice in the Federal Register.

Respectfully submitted,

Columbia Shipyards Railroad LLC
Applicant

/s/ Richard H. Streeter

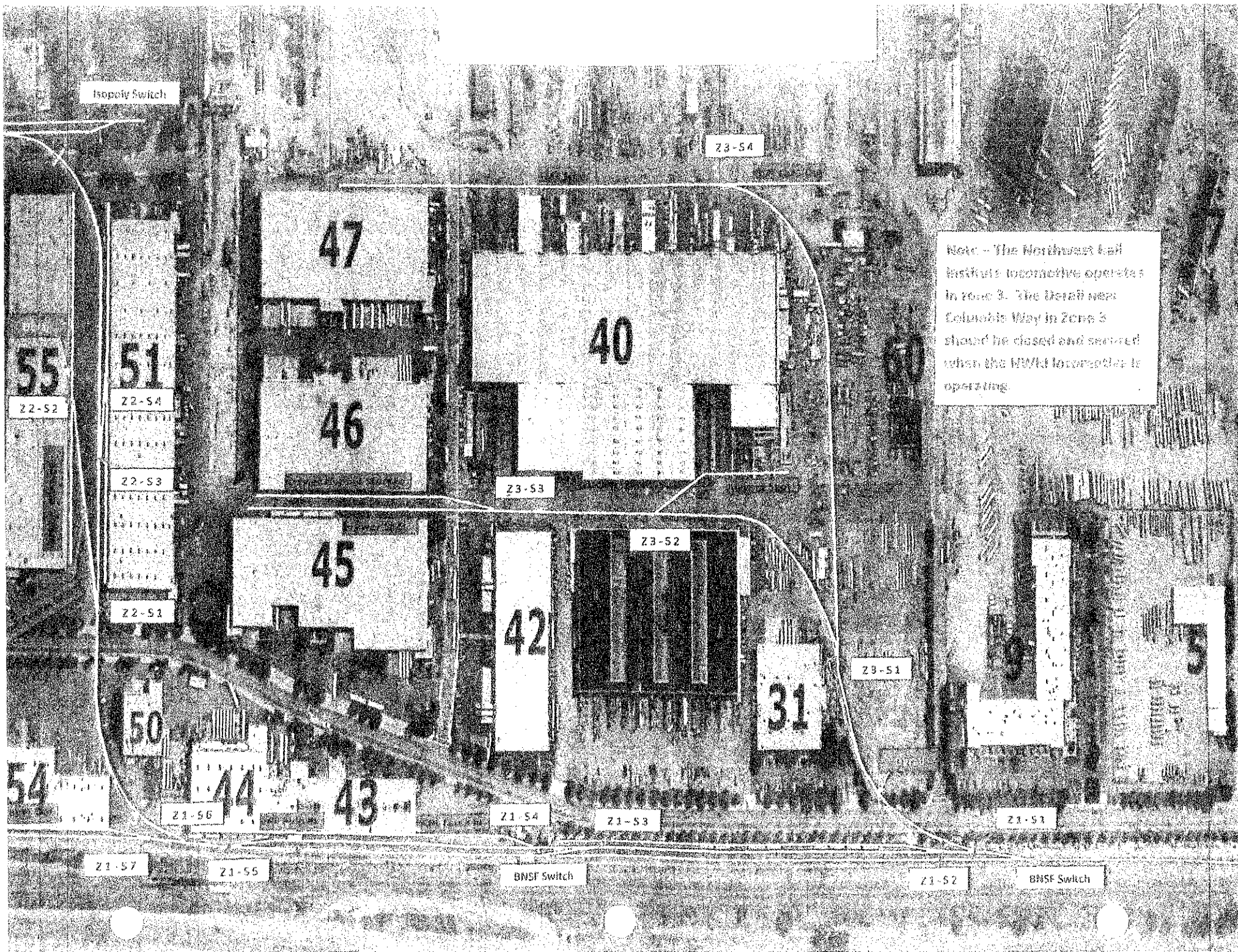
Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Attorney for Applicant

Dated: February 18, 2022

APPENDIX 1

MAP



Isopropyl Switch

23-S4

47

40

Note - The Northwest Rail Institute's locomotive operates in zone 3. The Diesel near Columbia Way in Zone 3 should be closed and secured when the NWRI locomotive is operating.

55

22-S2

51

22-S4

22-S3

22-S1

46

23-S3

45

23-S2

42

23-S1

31

50

54

44

43

21-S6

21-S4

21-S3

21-S1

21-S7

21-S5

BNSF Switch

21-S2

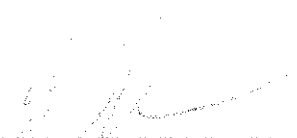
BNSF Switch

APPENDIX 2
VERIFICATION

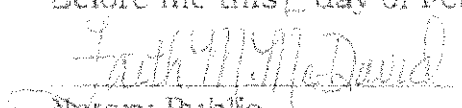
VERIFICATION

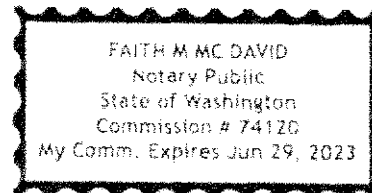
STATE OF WASHINGTON)
) SS:
COUNTY OF KING)

ERIC Temple, being duly sworn, states that he is the President of Columbia Shipyards Railroad LLC; that he has read the foregoing Notice of Exemption under 49 C.F.R. § 1150.31; that the projected revenues of Columbia Shipyards Railroad LLC would not exceed those that would qualify it as a Class III rail carrier ; that the projected annual revenue of the Columbia Shipyards Railroad LLC will not exceed \$5 million; and that all other facts set forth in the Notice of Exemption are true and correct.


Eric Temple

SUBSCRIBED and SWORN to
Before me this 1st day of February,, 2022.


Notary Public



My Commission Expires: 6/29/2023

APPENDIX 3

Caption Summary

SURFACE TRANSPORTATION BOARD

Notice of Exemption STB Finance Docket No. 36582

COLUMBIA SHIPYARDS RAILROAD LLC--OPERATION-EXEMPTION- PORTLAND VANCOUVER JUNCTION RAILROAD, INC, CLARK COUNTY, WASHINGTON

Columbia Shipyards Railroad LLC, a non-carrier, has filed a Notice of Exemption to acquire operating rights held by its corporate affiliate, Portland Vancouver Junction Railroad, LLC, over approximately 3 miles of rail lines, which have no milepost numbers, to provide rail switching services on behalf of Columbia Business Center, a non-carrier, pursuant to an Agreement with FC Service LLC, Agent for Columbia Business Center, also a non-carrier. The lines are located in Vancouver, Washington. Comments must be filed with the Board and served on Columbia Shipyards Railroad LLC's representative, Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016, telephone 202-363-2011.

The Notice is filed under 49 C.F.R. § 1150.41 *et seq.* 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.

By the Board