

BEFORE THE SURFACE TRANSPORTATION BOARD
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C. 20423

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

FINANCE DOCKET 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.

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. SECTION 1180.2(d)(2)

INFORMATION REQUIRED BY 49 C.F.R. § 1180.6(a)(1)(i)-(iii), (a)(5)-(6), AND
(a)(7)(ii), AS MADE APPLICABLE TO EXEMPTION NOTICES
BY 49 C.F.R. § 1180.4(g)(i)

Eric Temple files this Verified Notice of Exemption, pursuant to 49 C.F.R.
§ 1180.2(d)(2), for him to continue in control of Columbia Shipyards Railroad
LLC (CSBP), a non-carrier, upon CSBP becoming a Class III railroad. In
support of this Verified Notice of Exemption, the following information is
submitted as required by 49 C.F.R. § 1180.4(g):

Name, Business Address and Phone Number:

Eric Temple, President
Columbia Shipyards Railroad LLC
2265 116th Ave NE
Suite 210-08
Bellevue, WA 98004
Telephone: 425-835-2582

FILED
February 18, 2021
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**The name, address, and telephone number of the representative of the
applicant who should receive correspondence:**

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

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Description of the proposed transaction as required by § 1180.6(a)(i):

Eric Temple, a non-carrier, is a person who through ownership of 45% of its stock controls the Central Washington Railroad Company (CWA), a Class III railroad that leases and operates 41.57 miles of a rail line between specified points in the State of Washington owned by Burlington Northern and Santa Fe Railway Company (BNSF). See F.D. No. 34641 *Nicholas B. Temple and Eric Temple – Control Exemption – Central Washington Railroad Company*, (Jan. 21, 2005). Mr. Temple also controls Columbia Basin Railroad Company, Inc. (CBRW) through ownership of 50% of its stock. CBRW is a Class III railroad that operates approximately 74 mile of rail lines in eastern Washington that it acquired in F.D. 33140, *Columbia Basin Railroad Company, Inc.-Acquisition and Operation Exemption-BNSF Railway Company and BNSF Acquisition, Inc.*, (Dec. 13, 1996). He also owns 100% of the stock of Portland Vancouver Junction Railroad LLC (PVJR). See F.D. No. 35210, *Nicholas B. Temple, Eric Temple, Columbia Basin Railroad Company, Central Washington Railroad Company and Portland Vancouver Junction Railroad, LLC-Corporate Family Transaction Exemption*, (Jan. 16, 2009). PVJR is a Class III railroad that operates over 33-mile line owned by Clark County, Washington. PVJR also operates a switching operation over three miles of track pursuant to an Agreement for Rail Switching Services that was authorized by the Board in STB Finance Docket No. 36134, *Portland Vancouver Junction Railroad -- Operation Exemption – FC Service LLC, As Agent for Owner*.

Mr. Temple also owns 100% of CSBP, a non-carrier. CSBP will become a Class III common carrier in a related proceeding that is being filed concurrently that involves the transfer to CSBP of contractual rights and obligations from PVJR to perform the common carrier switching services previously authorized in FD No. 36134. *See* STB Finance Docket No. 36582, *Columbia Shipyards Railroad LLC -- Operation Exemption, Portland Vancouver Junction Railroad, LLC, Clark County, Washington*. Upon consummation of the transfer, CSBP will be affiliated with CWA, CBRW, and PVJR.

The properties of these carriers do not and will not connect with one another. Nor is this a part of a series of anticipated transactions that would connect these railroads with each other or any railroad in their corporate family. Because CSBP, CBRW, CWA and PVJR will be controlled by Eric Temple, this notice of exemption under 49 C.F.R. § 1180.2(d) seeking Board approval for Eric Temple to continue in control of all four railroads is being filed.

The proposed time schedule as required by § 1180.6(a)(1)(ii):

The proposed transaction will be consummated on or shortly after the effective dates of this Notice of Exemption and the related transaction.

As required by § 1180.6(a)(1)(iii), what is the purpose sought to be accomplished by the proposed transaction.

The exemption sought herein will allow Eric Temple to continue to control CSBP and, in turn, allow CSBP to provide switching services for Columbia Business Center in place of PVJR. By establishing a separate non-carrier entity to consummate the transactions described in the Related

Proceeding, Eric Temple will be able to insulate the four railroads from the financial, legal, and operational risks associated with their corporate affiliates and allow a distinction to be drawn between the generalized freight rail operations conducted by PVJR and the common carrier railroad switching services to be performed by CSBP on behalf of Columbia Business Center.

As required by § 1180.6(a)(5) and (6), provide a list of States in which the property of each applicant carrier is located and submit a map:

All lines are located in the State of Washington. Maps are attached hereto as Exhibit 1.

As required by § 1180.4(g)(1)(i), indicate the level of labor protection to be imposed:

No labor protection may be imposed in this case, as it involves only class III rail carriers. See 49 U.S.C. § 11326(c). Nevertheless, CSBP intends to offer employment to all of the PVJR employees who currently operate within the business park.

Agreement

Eric Temple already controls CSBP, currently a non-carrier. No agreement is contemplated or necessary for him to continue in control of CSBP once it acquires authority to commence operations on behalf of Columbia Business Center.

Environment and Historic Impacts

Eric Temple will continue to control CSBP for the purpose of continued rail operations where further Board approval is required to abandon or discontinue any service, and there are no plans to dispose of or alter properties

subject to the Board's jurisdiction that are 50 years old or older. Hence, this Notice of Exemption does not require an historic report under 49 C.F.R. § 1105.8(b)(1).

Eric Temple's continuance in control of CPRR will not result in significant changes in carrier operations. There will not be a diversion of: (1) more than 1,000 rail carloads a year to motor carriage; or (2) an average of 50 carloads per mile per year for any part of these lines to motor carriage. This transaction will not result in: (1) an increase in rail traffic of at least 100 percent or an increase of at least eight trains a day on any segment of the lines; (2) an increase of rail yard activity of at least 100 percent; or (3) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day. This transaction will not affect a Class I or nonattainment area under the Clean Air Act. In any event, the thresholds of 49 C.F.R. § 1105.7e(5)(ii) will not be exceeded. Finally, this transaction does not contemplate the transportation of any ozone depleting materials. Therefore, no environmental documentation is required under 49 C.F.R. § 1105.6(c)(2).

This transaction will not significantly affect either the quality of the human environment or energy conservation.

Respectfully submitted,

/s/ Richard H. Streeter

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

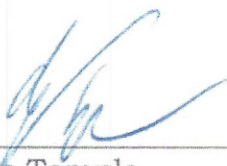
Attorney for
Eric Temple

Dated: February 18, 2022

VERIFICATION

I, Eric Temple, hereby declare under penalty of perjury that that I am President, Portland Vancouver Junction Railroad, LLC, and Columbia Shipyards Railroad LLC; that I am duly authorized to present this Verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and correct as stated to the best of my knowledge, information and belief.

Executed on February 9, 2022.



Eric Temple

Exhibit 1

Maps

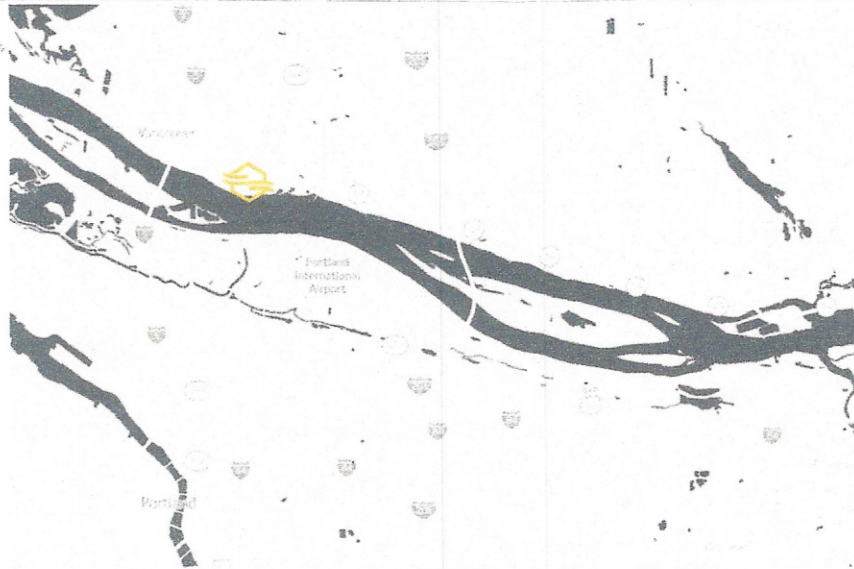
Columbia Shipyards Railroad LLC*

*(As currently operated by PVJR)

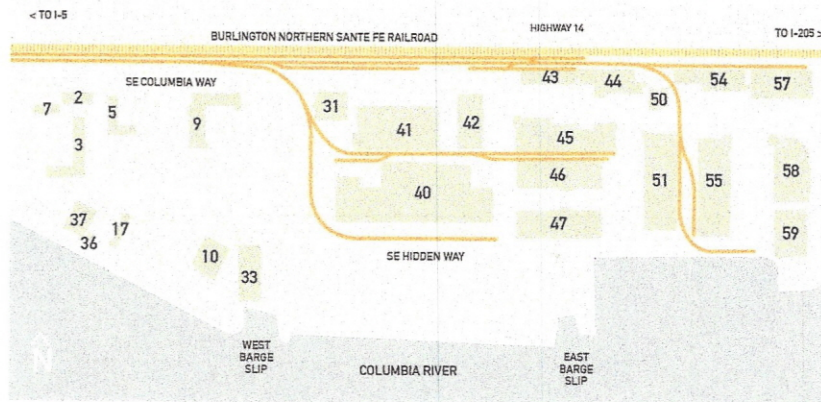
Portland Vancouver Junction Railroad, LLC

Central Washington Railroad Company

Columbia Basin Railroad Company



(<https://www.google.com/maps/dir//Columbia+Business+Center,+705+SE+Victory+Ave,+Vancouver,+WA+98661/@45.615015,-122.6446333,15z/data=!4m9!4m8!1m0!1m5!1m1!1s122.6357926!2d45.6149637!3e0>)





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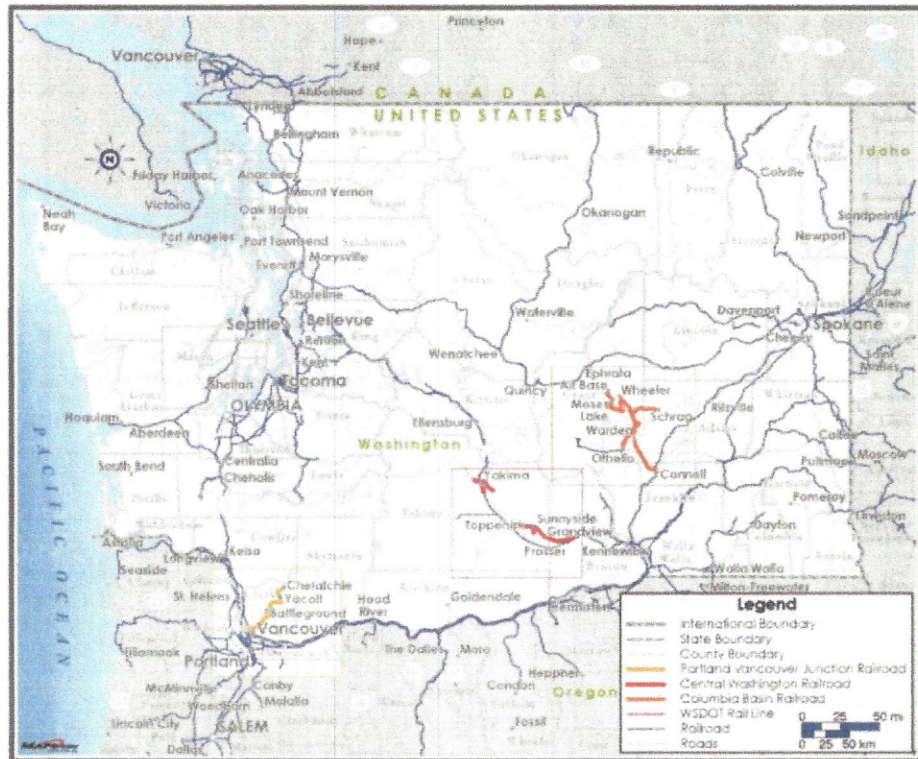
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SERVICE MAP



MOUSE OVER RAILROAD LOGO TO SEE SERVICE MAP DETAIL BELOW.



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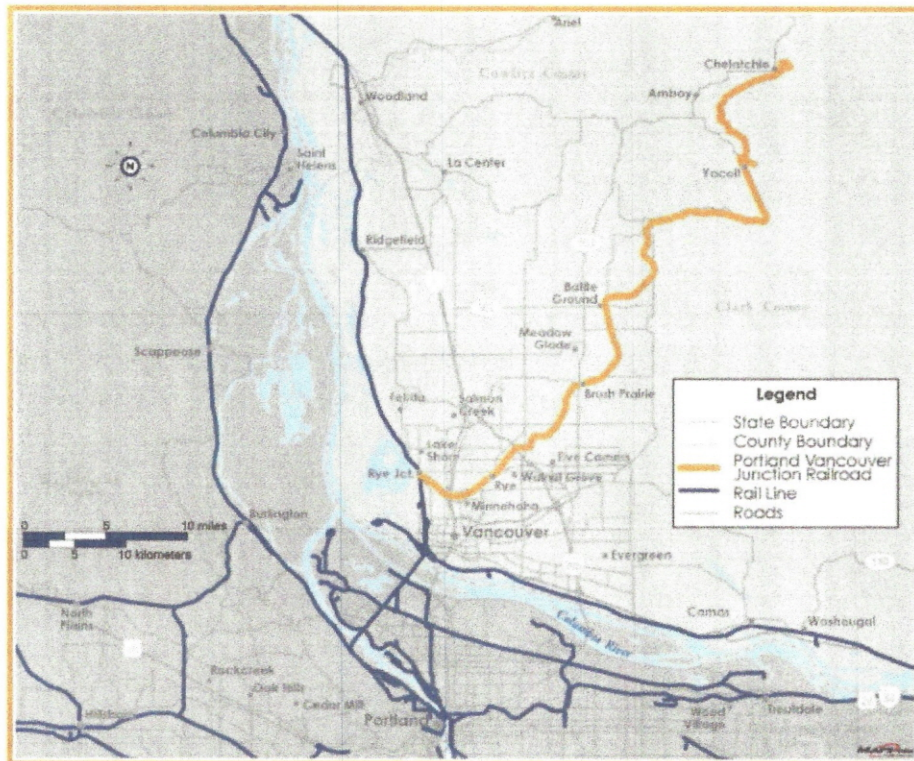


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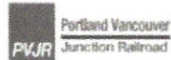
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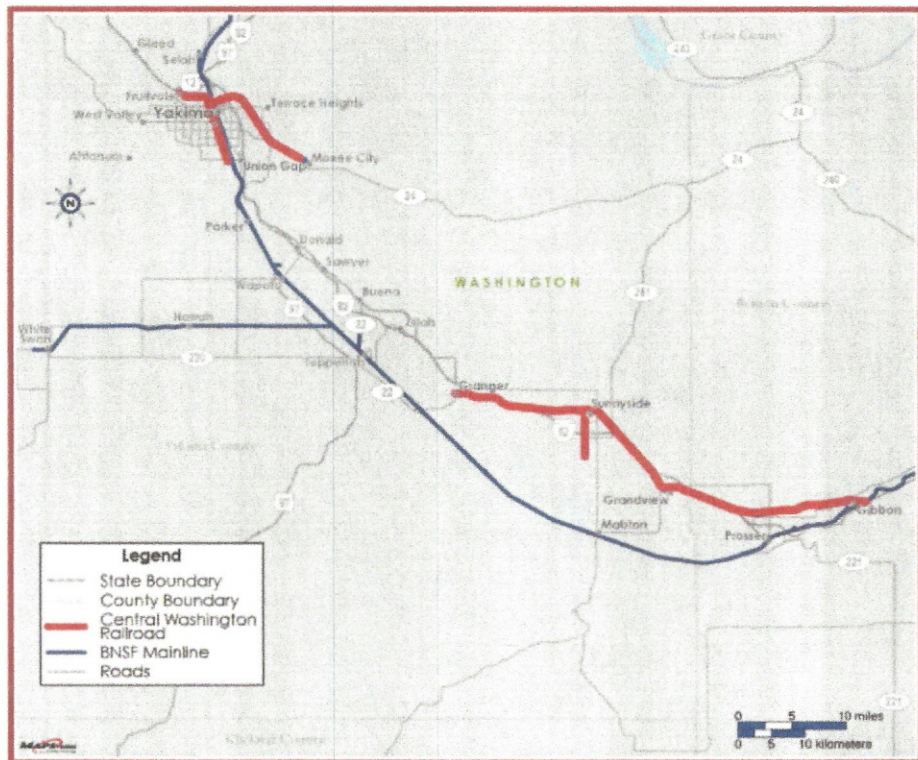
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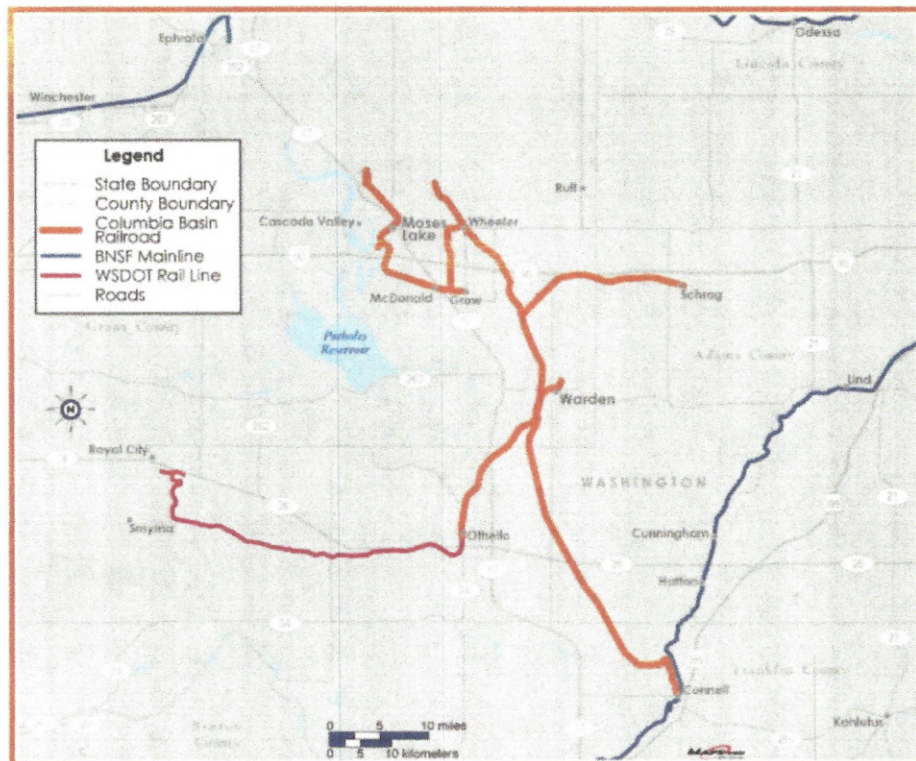


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