

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 35692

ENTERED
Office of Proceedings
October 19, 2022
Part of
Public Record

**EASTSIDE COMMUNITY RAIL, LLC-ACQUISITION AND
OPERATION EXEMPTION - GNP RLY, INC
(Woodinville Subdivision, MP 23.8 to MP 38.25)**

Finance Docket No. 35730

**BALLARD TERMINAL RAILROAD COMPANY, LLC - LEASE
EXEMPTION -
EASTSIDE COMMUNITY RAIL, LLC
(Woodinville Subdivision, MP 23.8 to MP 38.25)**

**CITY OF WOODINVILLE, WASHINGTON -
NOTICE OF RECENT DEVELOPMENT**

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By Order served March 8, 2022 the Board directed the parties to promptly file any decisions issued in the state court quiet title proceedings regarding ownership of the rail freight easement that until 2020 supported rail service on a 14.45 mile rail line between Snohomish and Woodinville, Washington (“the Line”).¹ On October 12, 2022 the Washington Supreme Court issued an order that denied Eastside Community Rail’s petition for review of the Washington Court of Appeals published opinion in *City of Woodinville v. Eastside Community Rail et al.*² The Court of Appeals Decision affirmed a trial court summary judgment order in which the King County Superior Court held that GNP RLY, Inc. (“GNP”) possesses sole title to the Woodinville segment of the freight easement, and that no other party possesses any legal interest in the easement.³

The City of Woodinville previously notified the Board of issuance of the Court of Appeals Decision, and briefly summarized its relevance to these dockets.⁴ The attached Supreme Court order conclusively resolves the state court quiet title litigation relating to the Woodinville segment of the Line. A separate quiet title action addressing ownership of the Snohomish County segment of the Line remains pending in Snohomish County Superior Court.

¹ *Eastside Community Rail, LLC—Acquisition and Operation Exemption – GNP RLY INC.*, FD 35692 (STB served March 8, 2022) slip op. at 4 (“the March 8 Order”).

² 22 Wn.App.2d 121, 510 P.3d 355 (2022) (“the Court of Appeals Decision”).

³ Order Granting Summary Judgment at 4, Exhibit A to the Declaration of Matthew Cohen In Support of the City of Woodinville, Washington’s Reply to Douglas Engle/Eastside Community Rail Petition For Reconsideration, FD 35692 and 35730 (filed Nov. 12, 2021).

⁴ City of Woodinville, Washington, Notice of Recent Development, FD 35692 and 35730 (filed May 25, 2022).

October 19, 2022.

Respectfully Submitted,

A handwritten signature in black ink that reads "Matthew Cohen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew Cohen

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CERTIFICATE OF SERVICE

I certify that on October 19, 2022 I served by email an e-filed copy of the foregoing document upon all parties of record in this proceeding as listed below per the STB service list.

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DATED: October 19, 2022.

s/ Michele Brandon

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THE SUPREME COURT OF WASHINGTON

CITY OF WOODINVILLE,	)	No. 101040-1
	)	
Respondent,	)	ORDER
	)	
v.	)	Court of Appeals
	)	No. 82660-3-I
EASTSIDE COMMUNITY RAIL, LLC, et al.,	)	
	)	
Petitioners.	)	
	)	
	)	

Department I of the Court, composed of Chief Justice González and Justices Johnson, Owens, Gordon McCloud, and Montoya-Lewis, considered at its October 11, 2022, Motion Calendar whether review should be granted pursuant to RAP 13.4(b) and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Clerk's motion to strike the reply to the answer to the petition for review is granted.
The petition for review is denied.

DATED at Olympia, Washington, this 12th day of October, 2022.

For the Court


CHIEF JUSTICE