



Board of Commissioners

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CLERK OF THE BOARD

Kelly Dombrowsky

March 30, 2023

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

ENTERED
Office of Proceedings
April 6, 2023
Part of

Public Record



RE: Docket No. AB-1244X, *Columbia & Cowlitz Railway, LLC—Abandonment Exemption—in Cowlitz County, Wash.*

Dear Ms. Brown:

The Board of County Commissioners of Cowlitz County (BoCC) advises you that the letter dated March 13, 2023 was prematurely sent to you by mistake. That letter was a draft presented by local stakeholders which had yet to be approved by the BoCC or considered in a public forum. Please use this letter as the official statement from the BoCC regarding this matter.

The BoCC ("Cowlitz County") respectfully requests the Surface Transportation Board ("Board") to issue a new Notice of Interim Trail Use ("NITU") in the above-entitled proceeding for the approximately 7-mile rail line between milepost 1.5 at Longview and milepost 8.5 at Ostrander Junction, in Cowlitz County, WA (the "Line") owned and operated by Columbia & Cowlitz Railway, LLC ("CCRY").

Cowlitz County recognizes that a NITU was first issued on September 29, 2017, for 180 days¹, that the trail use negotiation period was extended a total of 2 years, six months, and two days, as the result of three 180 day extensions,² one two day extension³, and one one-year extension.⁴ At the end of the one year extension, negotiations ended and the NITU terminated.

CCRY has not consummated the abandonment. Nor has it complied with the seven environmental and historic conditions imposed on the abandonment.⁵

¹ Docket No. 1244X, *Columbia & Cowlitz Railway, LLC -Abandonment Exemption-in Cowlitz County, Wash.* (served September 29, 2017).

² Docket No. 1244X, *Columbia & Cowlitz Railway, LLC -Abandonment Exemption-in Cowlitz County, Wash.* (served April 11, 2018), Docket No. 1244X, *Columbia & Cowlitz Railway, LLC -Abandonment Exemption-in Cowlitz County, Wash.* (served April 23, 2019), and Docket No. 1244X, *Columbia & Cowlitz Railway, LLC -Abandonment Exemption-in Cowlitz County, Wash.* (served December 16, 2019).

³ Docket No. 1244X, *Columbia & Cowlitz Railway, LLC -Abandonment Exemption-in Cowlitz County, Wash.* (served March 20, 2019).

⁴ Docket No. 1244X, *Columbia & Cowlitz Railway, LLC -Abandonment Exemption-in Cowlitz County, Wash.* (served May 15, 2021).

⁵ See Docket No. 1244X, *Columbia & Cowlitz Railway, LLC -Abandonment Exemption-in Cowlitz County, Wash.* (served September 29, 2017).

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After the NITU terminated in this proceeding, the Board adopted rules limiting trail use to an initial period of one year with no more than three one-year extensions.⁶ To date, the Line has been subject to trail use for an initial period of 180 days and extensions of two years, six months and two days. Cowlitz County requests the issuance of a new NITU for one-year less two days to bring the total negotiating period to four years within the time frame permitted by the 49 CFR 1152.29(d)(1)(ii).

Cowlitz County acknowledges that use of the right-of-way is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

As a local government entity, Cowlitz County requests waiver of the filing fee pursuant to 49 CFR 1002.2(e)(1). I certify that I have served all parties of record.

Please contact me if you have any questions.

Respectfully submitted,
Board of County Commissioners
Of Cowlitz County, Washington



Dennis Weber, Chairperson



Arne Mortensen, Commissioner District 1



Richard Dahl, Commissioner District 3

⁶ Docket No. EP 749 (Sub-No. 1), *Limiting Extensions of Trail Use Negotiating Periods* (served December 4, 2019).