



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

306772

Office of the General Counsel

ENTERED
Office of Proceedings

202-245-0260
FAX 202-245-0460

Meeting under Section 5, STB Reauthorization Act June 27, 2023

March 28, 2019

Part of
Public Record

Present: Members Begeman, Fuchs, and Oberman
Staff Rachel Campbell, Christopher Diamond, Ellen Erichsen, Amanda Gorski, Ted Hunt, Craig Keats, Adam Kress, David Kruschwitz, Lisa Novins, Valerie Quinn, Scott Zimmerman

Topic: Docket No. FD 36261, Ballard Terminal Railroad Company, L.L.C.—
Petition for Declaratory Order

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

At this meeting, staff briefed Board Members on a petition filed by the Ballard Terminal Railroad Company, L.L.C. (Ballard) seeking a declaratory order that certain activities proposed by the City of Seattle (City) are preempted under 49 U.S.C. § 10501(b). The City proposes to remove or reconfigure parts of a railroad line operated by Ballard (the Ballard Line) and to make certain other roadway improvements in connection with the City's construction of the remaining segment of its Burke-Gilman trail (Trail).

Staff and Board Members discussed the following issues:

1. The history, location, and other particulars of the Ballard Line and the Trail.
2. The parties' arguments for and against preemption.
3. The significance of pending state court litigation involving a contract between the City and Ballard concerning the Ballard Line and the Trail.
4. Possible options to address the petition.