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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
August 4, 2023
Part of
Public Record

STB FINANCE DOCKET NO.

36707

WASHINGTON, IDAHO & MONTANA RAILWAY LLC
OPERATION EXEMPTION

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 40 U.S.C. 10902 and 49 C.F.R. 1150.31

Submitted By:

John K. Fiorilla
Dyer & Peterson, PC
605 Main Street Suite 104
Riverton, N.J. 08077-1440
609-792-6851
Counsel for Petitioner

Dated: August 4, 2023

FILED
August 4, 2023
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
August 4, 2023
SURFACE
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PURSUANT TO 40 U.S.C. 10902 and 49 C.F.R. 1150.31

Washington, Idaho & Montana Railway LLC is an Idaho LLC non carrier (hereinafter WIM LLC) which files this Notice of Exemption to obtain the operating rights of a certain line of railroad approximately 43.744 miles of railroad in the State of Idaho, County of Latah from Milepost 3.32 (WA/ID State Line) to Milepost 47.06 at Bovill, ID. The line known as the "WIM Line" is owned by the BLPI RR LLC ("BLPI RR") which entered into a Purchase and Sale Agreement with the Palouse River & Coulee City Railroad LLC (hereinafter PCC) on April 24, 2023 to purchase the line and which closed on the sale on July 27, 2023.

BLPI RR will grant to WIM LLC the right to operate the WIM Line in common carrier freight service. A map illustrating the line is attached hereto as Exhibit A. WIM would interchange with the Spokane, Spangle & Palouse Railway ("SS&P") at its connection with the WIM Line at the Washington Idaho state line or at another location near Palouse Washington as WIM LLC and SS&P may agree.

Information Required by 49 CFR (1150.33)

Name and address of the applicant 49 CFR 1150.33 (a)

Washington, Idaho & Montana Railway LLC
PO Box 468
Potlach, Idaho 83855

Applicant's Representative 1150.33 (b)

John K. Fiorilla, Esq.
Dyer & Peterson, PC.
605 Main Street Suite 104
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(609) 792-6851
jfiorilla@dyerpetereson.com

Statement of Agreement 49 CFR 1150.33(c)

WIM LLC has reached an agreement with BLPI RR to publish tariffs and to operate the WIM Line in common carrier freight service. WIM LLC has been told once this petition is granted that an agreement will be entered into

interchange traffic with the SS&P at or near the Washington/Idaho state line, as the parties may agree.

Operator of the Property 49 CFR 1150.33(d)

WIM LLC will hold itself out to provide common carrier rail freight service on the WIM Line pursuant to its operating agreement with BLPI RR.

Brief Summary of Transaction

1150.33 (e)

I. The WIM LLC, a non-carrier, has entered into an operating agreement with the owner of the track, BLPI RR, to operate the WIM Line between the connections with the SS&P near the Washington/ Idaho state line near Palouse, Washington to approximately milepost 47.06 at Bovill, Idaho. WIM has been told that once its Petition is granted that SS&P will enter into an interchange or switching agreement so that WIM LLC can have a connection to the interstate rail system.

2. WIM LLC and BLPI RR request that this service commence as soon as possible since there is at least one large shipper on the line who is requesting service.

3. The initial operation will be from at or near Milepost 3.0 to Milepost 21.0.

4. The total route miles to be initially operated is approximately 18 miles.

Map 49 CFR 1150.33 (f)

A map of the line is attached hereto as Exhibit "A".

Certificate of Carrier Classification 1150.33 (2) WIM certifies that is projected revenues will not exceed \$5,000,000 and that would qualify it as a Class

Ill carrier, and that this transaction will not result in the creation of a Class I or Class II carrier.

Transactions Imposing Interchange Agreements 49 CFR 1150.33 (h)

This operation agreement does not involve a provision or agreement which may limit future interchange with a third party connecting carrier.

Labor Protective Conditions

Pursuant to 49 U.S.C. S 10902, labor protective conditions do not apply and will not be imposed.

Caption Summary 49 CFR 1150.34

A caption Summary in the prescribed form is attached as Exhibit "B" to this Notice.

Environmental and Historic Preservation Matters

Pursuant to 49 CFR 1105.6 (c) (2), the proposed transaction is exempt from environmental review under 49 CFR 1105.6 (c) (2) (i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR 1105.7(e) (4) or (5).

In addition, this transaction is exempt from historic review under 49 CFR § 1105.8 (b) (1). Under this section a sale, lease or transfer of a rail line is exempt since rail operations will continue. WIM has no plans to alter or to dispose of any

properties subject to STB jurisdiction that are fifty years old or older, the transaction does not require an historic report.

Dated: August 4, 2023

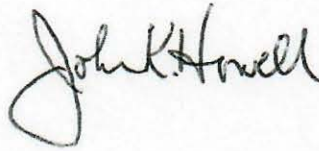
Respectfully Submitted,



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Attorney for Petitioner,
Washington, Idaho & Montana
Railway LLC

VERIFICATION

I, John Howell, Senior Advisor and Owner for the petitioner, hereby certifies that I have read the foregoing Notice of Exemption and am knowledgeable of facts stated therein, and that the same are true as stated to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false, that I am subject to punishment.

A handwritten signature in black ink that reads "John K. Howell". The signature is written in a cursive style with a large initial "J" and "H".

Dated: August 4, 2023

Exhibit A

Palouse River & Coulee City Railroad, L.L.C.

Contract Type:

Sale Agreement

City/County/State: Latah County, ID

Seller:

Palouse River and Coulee City Railroad, L.L.C.

Subdivision/Branch: WIM Industrial Load

Buyer:

Bennett Lumber Products, Inc.

Mile Posts:

3.32-47.06



Proposed Sale

Mileposts



0 2.56 5.1 7.68 10.2 Miles

Longitude:	-116.73
Latitude:	46.87
Date:	1/25/2023
Drawn By:	AB

EXHIBIT B:
CAPTION SUMMARY (§ 1150.34)
BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO
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WASHINGTON, IDAHO & MONTANA RAILWAY LLC
OPERATION EXEMPTION

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.31 ET SEQ.

Washington, Idaho & Montana Railway LLC (“WIM LLC”) has filed a Verified Notice of Exemption to operate a line of railroad currently owned by BLPI RR L.L.C. including approximately 44 miles of rail line between Mile post 3.32 at the Washington/Idaho state line to Mile post 47.06 at Bovill, Idaho. Initially WIM LLC will operate between its interchange with the Spokane, Spangle & Palouse Railroad at or near MP 3.32 and MP 21.0 a total of eighteen miles.

Comments must be filed with the Board and served on Washington,
Idaho & Montana's representative:

John K. Fiorilla, Esq.
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(609) 792-6851
EMAIL- jfiorilla@Dyerpeterson.com

This notice is filed under 49 C.F.R. 1150.31. If the Notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.