

310453

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Chief Counsel
December 5, 2025
Part of
Public Record

FD 36898

MT. RAINIER RAILROAD LLC
— ACQUISITION AND CHANGE OF OPERATOR EXEMPTION —
CITY OF TACOMA, DEPARTMENT OF PUBLIC WORKS D/B/A TACOMA RAIL
MOUNTAIN DIVISION, AND CITY OF TACOMA, DEPARTMENT OF
PUBLIC UTILITIES D/B/A TACOMA RAIL

VERIFIED NOTICE OF EXEMPTION OF
MT. RAINIER RAILROAD LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500

ATTORNEY FOR MT. RAINIER
RAILROAD LLC

Dated: December 5, 2025

FILED
December 5, 2025
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
December 5, 2025
SURFACE TRANSPORTATION BOARD

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**VERIFIED NOTICE OF EXEMPTION OF
MT. RAINIER RAILROAD LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

Mt. Rainier Railroad LLC (“MRSR”), a non-carrier limited liability company unaffiliated with any railroad common carriers, hereby files this notice of exemption (the “Notice”) under 49 C.F.R. part 1150, subpart D to acquire and to assume common carrier operations over a certain line of railroad (the “Line”) located in the State of Washington as detailed below. At such time as MRSR consummates the transaction that is the subject of this proceeding, MRSR will replace City of Tacoma, Department of Public Utilities d/b/a Tacoma Rail (“Tacoma Rail”) as the common carrier service provider on the Line, thereby terminating Tacoma Rail’s common carrier status with respect to that Line.

In accordance with the requirements of 49 C.F.R. § 1150.33, MRSR submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the applicant herein is as follows:

Mt. Rainier Railroad LLC
P.O. Box 465
Eatonville, WA 98328

Applicant's Representative: 49 C.F.R. § 1150.33(b)

MRSR's representative to whom correspondence regarding this transaction should be sent is as follows:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

MRSR has entered into an agreement with the City of Tacoma, Department of Public Works d/b/a Tacoma Rail Mountain Division ("TRMW") under which MRSR will acquire by purchase the subject Line (described below) from its owner, TRMW, and, by virtue of that purchase, assume an exclusive common carrier status on the Line in place of the incumbent carrier, Tacoma Rail.

Operation of the Property: 49 C.F.R. § 1150.33(d)

MRSR will offer common carrier service over the Line in place of Tacoma Rail upon or after the effective date of the exemption (January 4, 2026) and, in turn, consummation of the transaction encompassed by this notice.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

TRMW owns the subject Line, which extends from milepost 32.0M at Eatonville, Washington, to milepost 65.59M at Morton, Washington, a total of approximately 33.59 route miles. Tacoma Rail, a sister division of the City of Tacoma (and a common carrier), currently possesses common carrier authority to operate the Line under a lease arrangement with TRMW. MRSR is a non-carrier entity created as a subsidiary holding of the Western Forest Industries Museum (“WFIM” – which happens also to control the Mt. Rainier Scenic Railroad, a non-common carrier tourist excursion operation). WFIM has designated MRSR to acquire the Line and replace Tacoma Rail as the common carrier service provider.

TRMW’s business address is as follows:

747 Market Street, Room 408
Tacoma, WA 98402

Tacoma Rail’s business address is as follows:

3628 South 35th Street
Tacoma, WA 98409

MRSR has reached terms with TRMW and Tacoma Rail under which MRSR will purchase the Line from TRMW, and will, by virtue of that transaction also assume exclusive common carrier operations over the line in place of Tacoma Rail. Upon consummation of the transaction, MRSR will replace Tacoma Rail as the railroad common carrier service provider on the Line. *See Rainier Rail LLC – Acquisition and Change of Operators Exemption – City of Tacoma, Washington, Department of Public Works d/b/a Tacoma Rail Mountain Division, FD 36658 (STB*

served Mar. 24, 2023) (involving the sale of a connecting piece of the TRMW “Mountain Division” lines wherein Tacoma Rail ceased common carrier operations in place of the line’s acquiror). Tacoma Rail is a party to this overall transaction, and concurs in the proposed change in common carrier operator.

Map: 49 C.F.R. § 1150.33(f)

A map showing the Line and area served is attached as Exhibit A.

Certification: 49 C.F.R. § 1150.33(g)

A Certificate of Compliance with the provisions of 49 C.F.R. § 1150.33(g) is attached as Exhibit B.

Interchange Commitments: 49 C.F.R. § 1150.33(h)

MRSR will not be contractually limited in its ability to interchange of traffic with any third-party connecting carrier. See Exhibit B. As matters currently stand, MRSR’s interline connection would be with Rainier Rail, LLC.

Shipper Notice: 49 C.F.R. § 1150.32(b)

The Line is currently inactive and MRSR understands that no shipper has made use of the Line for well over a year for either local or overhead service. Accordingly, there are no shippers to notify of the intended change in common carrier railroad service provider.

Advance Notice: 49 C.F.R. § 1150.32(e)

MRSR's projected annual revenue is not expected to exceed \$5 million, and, accordingly, the advance notice requirements of 49 C.F.R. § 1150.32(e) are not applicable to this transaction. See Exhibit B.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(2), the proposed operation of the Line is exempt from environmental reporting requirements. MRSR's proposed common carrier operations will not result in significant changes in carrier operations, *i.e.*, changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5). And under 49 C.F.R. § 1105.8(b)(1), MRSR's operation of the Line also is exempt from historic preservation reporting requirements; the proposed transaction is not expected to impact historic structures along the Line that are 50 years old or older.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary in appropriate form is attached as Exhibit C.

Respectfully submitted,

By: /s/ *R. A. Wimbish*

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
rwimbish@fletcher-sippel.com
(312) 252-1500
**ATTORNEY FOR MT. RAINIER
RAILROAD LLC**

Dated: December 5, 2025

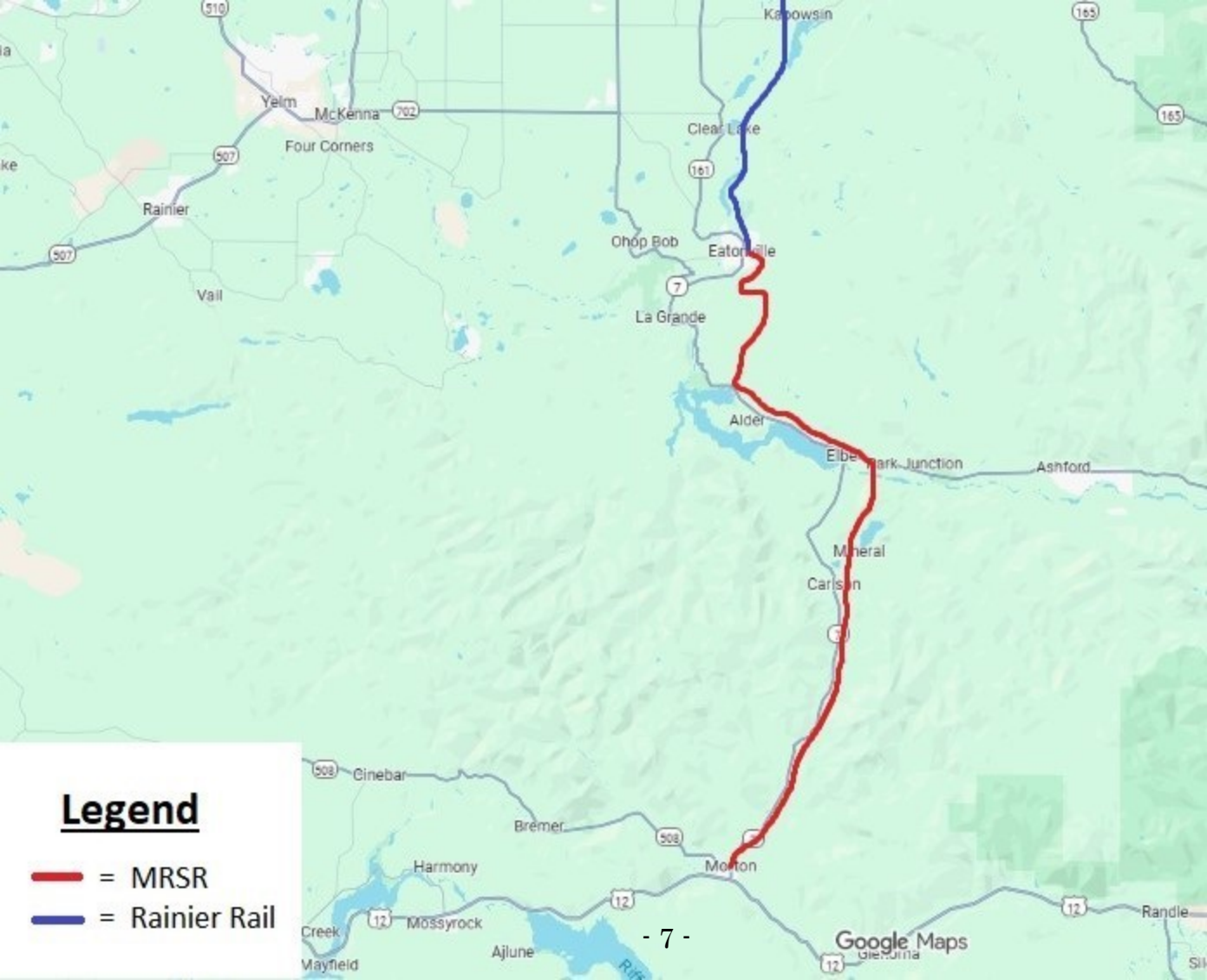
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EXHIBIT A

MAP



Legend

- = MRSR
- = Rainier Rail

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EXHIBIT B

CERTIFICATION AND VERIFICATION

CERTIFICATION AND VERIFICATION

I, Bethan Maher, am Chief Executive Officer of Mt. Rainier Railroad LLC (“MRSR”). I hereby certify as follows:

1. The annual operating revenue of MRSR (following consummation of the transaction that is the subject of this class exemption proceeding) is not projected to exceed \$5 million, and, in turn, will not result in the creation of a Class II or Class I rail carrier under the provisions of 49 C.F.R. § 1201 (1-1).
2. MRSR would not be contractually limited in its ability to interchange of traffic with any third-party connecting carrier.

In addition, I hereby verify under penalty of perjury as follows:

1. I have read the foregoing Notice of Exemption, know the facts asserted therein, and that the same are true as stated to the best of my knowledge, information, and belief.
2. I am authorized to make this verification on behalf of MRSR.

/s/ *Bethan Maher*

Bethan Maher
Chief Executive Officer
Mt. Rainier Railroad, LLC

Dated: December 5, 2025

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EXHIBIT C

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD
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PUBLIC UTILITIES D/B/A TACOMA RAIL

Mt. Rainier Railroad LLC (“MRSR”), a non-carrier, has filed a Verified Notice of Exemption under 49 C.F.R. §1150.31, *et seq.*, to acquire from the City of Tacoma, Department of Public Works d/b/a Tacoma Rail Mountain Division (TRMW) and to assume common carrier operations over a certain line of railroad (the Line) located in the State of Washington. The Line extends from milepost 32.0M at Eatonville, Washington, to milepost 65.59M at Morton, Washington, a total of approximately 33.59 route miles.

The transaction involves the acquisition of the Line by purchase from TRMW, which acquisition also, incidentally, would include the replacement of the incumbent common carrier, City of Tacoma, Department of Public Utilities d/b/a Tacoma Rail by MRSR. Upon consummation, MRSR will replace Tacoma Rail as the exclusive common carrier service provider on the Line, thereby terminating Tacoma Rail’s common carrier status with respect to that Line.

MRSR expects to commence common carrier operations over the Line on or after the effective date of this exemption.

Comments must be filed with the Board and served on:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

This Notice is filed under 49 C.F.R. § 1150.31. If this Notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: December __, 2025

By the Board