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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 36904

ENTERED
Office of Chief Counsel
January 21, 2026
Part of
Public Record

**PORT OF MOSES LAKE - ACQUISITION EXEMPTION –
MOSES LAKE, WASHINGTON**

VERIFIED NOTICE OF EXEMPTION

Sandra L. Brown
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202.331.8800

Attorneys for the Port of Moses Lake

January 21, 2026

**FEE RECEIVED
January 21, 2026
SURFACE
TRANSPORTATION BOARD**

**FILED
January 21, 2026
SURFACE
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STB FINANCE DOCKET NO. 36904

**PORT OF MOSES LAKE - ACQUISITION EXEMPTION –
MOSES LAKE, WASHINGTON**

VERIFIED NOTICE OF EXEMPTION

The Port of Moses Lake (“Port”), a municipality of the State of Washington,¹ hereby submits this Verified Notice of Exemption pursuant to 49 CFR § 1150.41 for the acquisition of 0.5 miles of trackage not previously included in the authorization granted in Finance Docket No. 34936 (Sub-No. 1) as noted in Footnote 3 of the August 27, 2009 Decision.² The trackage is a 0.5-mile stub-ended segment starting approximately where proposed Segment 2 and existing Segment 3 meet near Forbes Rd and continuing north and terminating just south of Grant County International Airport (“GCIA”) at approximately MP 18.3 (formerly MP 19.97), as shown in the blue hatch on the attached Exhibit A (the “Trackage”).

This Notice of Exemption requests after-the-fact authority³ and covers only the Trackage (0.5 miles). Further, the Port states that nothing else has changed regarding this Trackage

¹ The Board previously noted in Port of Moses Lake, STB Finance Docket Nos. 34936 and 34936 (Sub-No. 1) (served Aug. 27, 2009) (“2009 Decision”) that the Port has not sought authority to operate the rail lines at issue. 2009 Decision, slip op. at 1. This Trackage is connected to the overall Project referenced below and would be an “island” of track if not included in the Project.

² 2009 Decision, slip op. at 4 (n. 3).

³ Authority pursuant to this Notice is appropriate so that the Port has Surface Transportation Board acquisition authorization for this stub-ended Trackage. There is precedent to obtain this after-the-fact but not retroactive authority under an exemption, including in a Notice of Exemption. See Delray Connecting R.R.—Trackage Rights Exemption—Consolidated Rail

consistent with what the Board noted in its 2019 review under a Supplemental Environmental Assessment.⁴ The Trackage was the subject of the Port’s Petition for Supplemental Authorization to the Extent Needed filed in FD No. 34936 (Sub-No. 1) on April 28, 2025 (“Apr. 2025 Pet.”).⁵ Consistent with the Board’s decision in Port of Moses Lake—Acquisition Exemption—Moses Lake, Wash., STB Docket FD No. 34936 (Sub-No. 1) (STB served Sept. 12, 2025) (“September 2025 Decision”), and in accordance with the requirements of 49 CFR § 1150.43, the Port submits the following information:

I. Information Required by 49 CFR § 1150.43

Name and Address of Applicant: 49 CFR § 1150.43(a)

The applicant is:

Port of Moses Lake
7810 Andrews N.E. Suite 200
Moses Lake, WA 98837

Corp., FD 35180 (STB served Jan. 9, 2009) for after-the-fact notice of exemption). See also Red River Valley & Western R.R. Co.—Acquisition and Operation Exemption—Rail Line of BNSF Railway Co., FD 36719 (STB served Sept. 8, 2023) (after-the-fact notice of exemption).

⁴ See Draft Supplemental Environmental Assessment, July 11, 2019, at 1-1 (n. 5), STB FD No. 34936 (“The Port filed a Petition docketed as Docket No. FD 34396 seeking to construct Segments 1 and 2 and another docketed as Docket No. FD 34396 (Sub.-No. 1) to acquire Segment 3. The acquisition has not changed, is not at issue, and is not addressed in this document. . . . The potential environmental effects of construction, acquisition, and operation will have been assessed in the 2008 Preliminary Environmental Assessment . . . the 2009 Final Environmental Assessment . . . and this Supplemental EA.”).

⁵ The Board denied the Port’s Apr. 2025 Pet. and instructed the Port to file for authorization under a new docket. See September 2025 Decision. Certain details and background information were included in the Port’s Apr. 2025 Petition in an effort to explain why the 0.5-mile segment may have been excluded from the 2009 Decision and why the authorization was appropriate in the prior docket. Most of the detail and explanation is superfluous here. This Notice of Exemption applies only to the 0.5-mile segment north of Forbes Rd (shown in blue hatch on Exhibit A) and is the same trackage discussed in the 2009 Decision.

Applicant's Representative: 49 CFR § 1150.43(b)

Correspondence related to this proceeding should be addressed to:

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Washington, DC 20036
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202.331.8800 (phone)

Statement on the Agreement: 49 CFR § 1150.43(c)

The 0.5-mile Trackage is a stub-ended track that is connected to a larger endeavor known as the Northern Columbia Basin Railroad Project (the "Project"), which was previously described to the Board in the Petition for Exemption filed August 28, 2008 in FD Nos. 34936 and 34936 (Sub-No. 1), and also the Petition to Reopen filed on November 2, 2018 in FD No. 34936. If the Port did not acquire this Trackage, it would be an island separated by Segment 3 from the remainder of the seller's rail system. On March 10, 2025, the Port consummated its acquisition of Segment 3 of the Project with the Trackage (0.5 miles) included.⁶ As stated in the 2008 Decision and the 2009 Decision, no rehabilitation or other work is planned for the Trackage. The Port will not be the entity to provide operations on the Trackage and overall Project when complete. The Port has reached an agreement with the operator.

Operator of the Property: 49 CFR § 1150.43(d)

The Columbia Basin Railroad Company ("CBRW") will be the operator of the Trackage as part of the Project pursuant to an agreement between the parties. As noted in the 2009 Decision, CBRW's operation exemption will be docketed as STB Finance Docket No. 34936

⁶ Apr. 2025 Pet. at 2-3.

(Sub-No. 2) before operations begin on the completed Project.⁷ As the Port mentioned in its Apr. 2025 Pet., it has long been the plan for CBRW to be the operator for all purchased and newly-built track within the Project.⁸

Summary of Transaction: 49 CFR § 1150.43(e)

The name and address of the railroad transferring the subject property is CBRW.

CBRW's administrative address is:

1027 S. Main Street
Suite 403
Joplin, MO 64801

The transaction was consummated on March 10, 2025. The Trackage is a 0.5-mile segment starting approximately where proposed Segment 2 and existing Segment 3 meet near Forbes Rd. and continuing north and terminating just south of GCIA at approximately MP 18.3 (formerly MP 19.97), as shown in the blue hatch on the attached Exhibit A.

Map: 49 CFR § 1150.43(f)

A map showing the Trackage and surrounding area is attached as Exhibit A to this notice.

Certificate of Compliance: 49 CFR § 1150.43(g)

Based on projected annual revenues, the Port expects its rail revenues will not exceed \$5 million annually or qualify it as a Class II or Class I carrier. See the attached certification and verification at Exhibit C.

Interchange Commitments: 49 CFR § 1150.43(h)

The Port certifies that this section is inapplicable because the transaction did not impose an interchange commitment.

⁷ 2009 Decision, slip op. at 1.

⁸ Apr. 2025 Pet. at 4-5.

II. Caption Summary: 49 CFR § 1150.44

A caption summary in the requisite format is attached as Exhibit B.

III. Labor Notice and Labor Issues: 49 CFR § 1150.42(e)

This section is inapplicable because the Port does not anticipate that the projected annual revenues of the rail line to be acquired, together with the projected annual revenues of the rail line previously acquired, will exceed \$5 million. There is currently no traffic moving over any of the lines and operations will be provided by CBRW for this Trackage and the other aspects of the Project.

IV. Environmental and Historic Preservation Information

No environmental documentation is required because the transaction will not result in rail operations that exceed the thresholds given in 49 CFR §§ 1105.7(e)(4) and (e)(5), and, therefore, will not result in significant changes in carrier operations. See 49 CFR § 1105.6(c)(1); supra note 3.

No historic report is required because the transaction merely involved an acquisition for continued rail operations. See 49 CFR § 1105.8(b)(1). The Port has no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older.

Respectfully submitted,

/s/ Sandra L. Brown
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David E. Benz
Thompson Hine LLP
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Washington, DC 20036
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202.331.8800

Attorneys for the Port of Moses Lake

January 21, 2026

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MOSES LAKE, WASHINGTON**

VERIFIED NOTICE OF EXEMPTION

Exhibit A

MAP

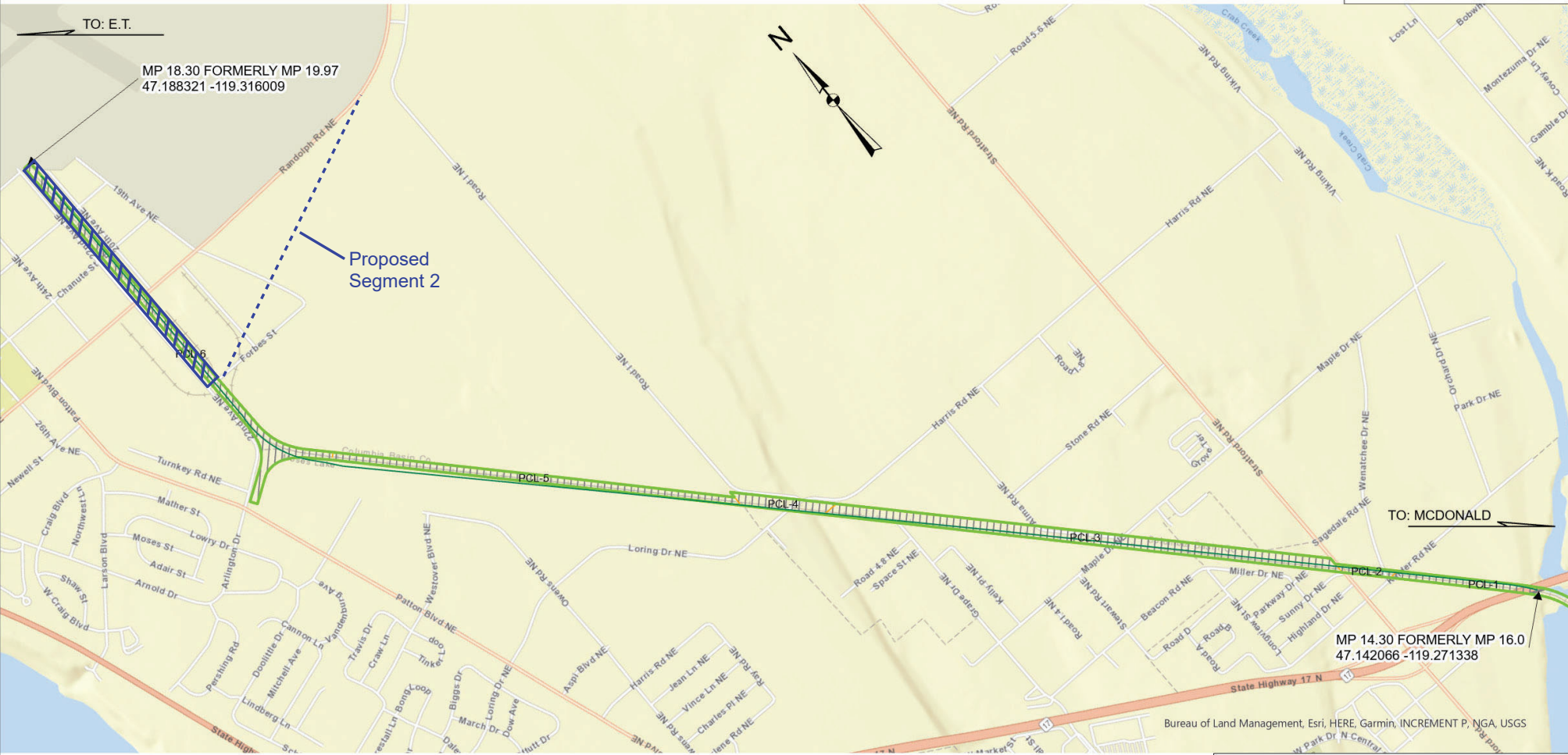
COORDINATE SYSTEM: WA_S

EXHIBIT "A"

SCALE: 1:15,000

JLL TI #:
BW Proj. No.: 17641.004
MAP REFERENCE:
STA = -
RW = r52473,r80706

This map used by BNSF RAILWAY COMPANY in the ordinary course of business, but it is subject to audit and should be used only with the expressed understanding the BNSF make no representations whatsoever about the quality, accuracy, errors or omissions relating to this map.



TO: PORT OF MOSES LAKE
AT: MOSES LAKE
GRANT COUNTY,
WA

LEGEND:
SALE AREA
RIGHT OF WAY LINE
PARCEL LINES
TRACK
0.5 miles Trackage



NORTHWEST DIVISION
UNDETERMINED SUBDIVISION - L.S. 0456
VAL.SEC. 51117
CM&STP RY CO WA-07A, MAP 06
SEC. 33/4,3,10,11,14, T20N/19N, R28E WILLM
DATE: 12/5/2024
MP 14.30 - 18.30

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MOSES LAKE, WASHINGTON**

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Exhibit B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

Finance Docket No. 36904

PORT OF MOSES LAKE - ACQUISITION EXEMPTION – MOSES LAKE, WASHINGTON

The Port of Moses Lake (“Port”), a municipality of the State of Washington, has filed a Verified Notice of Exemption to acquire from Columbia Basin Railroad Company (“CBRW”) a 0.5-mile segment starting near Forbes Road in Moses Lake, Washington and continuing north approximately one-half mile and terminating just south of Grant County International Airport at approximately MP 18.3 (formerly MP 19.97). The acquisition of this 0.5-mile segment is part of a larger endeavor known as the Northern Columbia Basin Railroad Project (the “Project”), which was previously described to the Board in the Petition for Exemption filed August 28, 2008 in FD Nos. 34936 and 34936 (Sub-No. 1), and also the Petition to Reopen filed on November 2, 2018 in FD No. 34936. The Project will be operated by CBRW when complete.

Comments must be filed with the Board and served on:

Sandra L. Brown
David E. Benz
Thompson Hine LLP
1919 M Street, N.W., Suite 700
Washington, DC 20036
Sandra.Brown@thompsonhine.com
202.331.8800

The notice is filed under 49 C.F.R. § 1150.41. 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 this transaction.

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Exhibit C

**CERTIFICATION
AND
VERIFICATION**

CERTIFICATION AND
VERIFICATION

I, Dan Roach, certify on behalf of the Port of Moses Lake that the applicant's projected revenue resulting from the consummation of the transaction will not exceed \$5 million annually and will not result in the Port of Moses Lake becoming a Class II or Class I rail carrier.

I also declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed on behalf of Port of Moses Lake.



Dan Roach
Executive Director
Port of Moses Lake

Executed on 1/14/26