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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

VFRC, LLC, an Oregon Limited Liability
Company, VENELL FARMS, INC., an
Oregon Business Corporation, ALBANY &
EASTERN RAILROAD COMPANY, an
Oregon Business Corporation,

Complainants,

v.

PORTLAND & WESTERN RAILROAD,
INC., a New York Corporation; GENESEE
& WYOMING, INC., a Delaware
Corporation, UNION PACIFIC
RAILROAD COMPANY, a Delaware
Corporation,

Defendants.

Docket No. NOR 42187

**SUPPLEMENTAL BRIEF IN SUPPORT OF
COMPLAINANTS' AMENDED
COMPLAINT**

Complainants hereby submit this Supplemental Brief to the Surface Transportation Board (the "Board") in support of their Amended Complaint, which was filed with the Board on June 8, 2026. Complainants submit this Supplemental Brief to bring to the Board's attention a **material misrepresentation** made to this tribunal by Defendants Portland & Western Railroad, Inc. ("PNWR") and Genesee & Wyoming, Inc. ("G&W"). Complainants were unaware of these misrepresentations until August 5, 2026, and are filing this Supplemental Brief at the earliest possible opportunity to alert the Board.

On June 29, 2026, Defendants PNWR and G&W filed their Answer to Complainants' Amended Complaint.¹ In their Answer, PNWR and G&W represented to the Board that they were "looking for possible public funding for a rebuild [of the Marys River bridge]." ² Most importantly, they certified that they were "**[w]ithout any current prospects for funding,**" and this is why they "obtained an estimate to ship the two locomotives and 16 railcars which are stranded on the south side of the Marys River via truck."³ The amount quoted to PNWR for this was \$409,890.00.⁴

Defendants' statements to the Board here are utterly false, and once again, clearly demonstrate their continued pattern of bad faith and misdirection regarding their responsibility to rebuild the Marys River bridge. In response to a public records request by Complainants to the Oregon Department of Transportation ("ODOT"), Complainants obtained email correspondence between ODOT and G&W representatives from January 7, 2026, in which an ODOT employee personally emailed Ross Lane, G&W's Assistant Vice President for Government Affairs, the following:

"Theres \$75 million in play for this round of Connect Oregon. Applications are due by February 27th. I would think rebuilding the Marys River bridge could be a small dollar project submission by Willamette & Pacific that would have a lot of appeal because it would restore rail service that previously existed, plus the line serves the southern section of Corvallis envisioned for future industrial development."⁵

¹ Pursuant to 49 C.F.R. § 1111.6, PNWR and G&W also filed a motion to dismiss Complainants' Amended Complaint on June 29, 2026. Complainants filed their Reply to this Motion on July 17, 2026.

² Answer of PNWR and G&W, at 10.

³ *Id.* at 10-11.

⁴ The invoice for \$409,890.00 which PNWR received from Rick Franklin Corporation to remove the stranded locomotives and railcars was attached to Complainants' Amended Complaint as Exhibit 10.

⁵ Exhibit A, at 2.

The following day, on January 8, 2026, Mr. Lane replied to the email stating that he had “passed this along to the team” and “at this point, we are planning on submitting a Phase 2 version of our joint elimination project near Salem to Woodburn.”⁶ Copies of this correspondence are attached hereto as Exhibit A.

This exchange of emails shows that over six months ago, Defendants were aware that substantial public funding was available for rebuilding the Marys River bridge, and that despite this knowledge, they elected to pursue another project from the same pool of public funds. To now turn to the Board and claim that they are “looking for funding” and that they have been “without any prospects for funding” is a blatant misrepresentation. It is an attempt to make it appear that despite their best efforts, Defendants have simply been unable to find any opportunity for funding the bridge that they are responsible for replacing. Clearly, this is not the case. Defendants have even gone so far as to claim that “if they determine that no funding is available, then [Defendants] would be justified in seeking discontinuance authority from the Board....”⁷ This conduct reflects a consistent strategy by PNWR and G&W: to divert attention from their longstanding failure to satisfy their statutory and contractual obligations to repair the bridge, mislead the Board into believing that no realistic funding opportunities have been available, and ultimately pave the way for discontinuance and abandonment. Such conduct should not be permitted by the Board.

Complainants felt that it was crucial to bring these matters to the attention of the Board as soon as possible, especially considering PNWR and G&W’s pending Joint Motion to Dismiss currently before the Board.

⁶ *Id.* at 1.

⁷ Answer of PNWR and G&W, at 11.

DATED this 6th day of August 2026

FRANCIS HANSEN & MARTIN LLP

/s/ Martin E. Hansen

Martin E. Hansen, OSB #800526

Attorney for Complainants

CERTIFICATE OF SERVICE

I certify on the 6th day of August 2026, I served the foregoing **SUPPLEMENTAL BRIEF IN SUPPORT OF COMPLAINANTS' AMENDED COMPLAINT** on the parties below by email:

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DATED this 6th day of August, 2026

FRANCIS HANSEN & MARTIN LLP

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Re: Connect Oregon grant 2026 is live now

From Ross Lane <ross.lane@gwrr.com>

Date Tue 1/13/2026 4:30 PM

To MELBO Robert I <Robert.I.MELBO@odot.oregon.gov>

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Bob,

Let's chat on Thursday. I'm here in Sacramento working an issue, but get back late tonight.

How does 10 am sound on Thursday?

From: MELBO Robert I <Robert.I.MELBO@odot.oregon.gov >

Sent: Monday, January 12, 2026 9:27 AM

To: Ross Lane <ross.lane@gwrr.com >

Subject: RE: Connect Oregon grant 2026 is live now

Hi, Ross

Today is a light day for me except 11 to 11:45 a.m. and 1 to 1:30 p.m. Thursday also is a very light day.

Bob

From: Ross Lane <ross.lane@gwrr.com >

Sent: Thursday, January 8, 2026 8:42 AM

To: MELBO Robert I <Robert.I.MELBO@odot.oregon.gov >

Subject: Re: Connect Oregon grant 2026 is live now

Thanks Bob. I've passed this along to the team. At this point, we are planning on submitting a Phase 2 version of our joint elimination project near Salem to Woodburn. That's a relatively small project. Do you have some time the next few days to catch up?

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

From: MELBO Robert I <Robert.I.MELBO@odot.oregon.gov>
Sent: Wednesday, January 7, 2026 6:30 PM
To: Ross Lane <ross.lane@gwrr.com>
Subject: FW: Connect Oregon grant 2026 is live now

Hi, Ross

There's \$75 million in play for this round of Connect Oregon. Applications are due by February 27th. I would think rebuilding the Marys River bridge could be a small-dollar project submission by Willamette & Pacific that would have a lot of appeal because it would restore rail service that previously existed, plus the line serves the southern section of Corvallis envisioned for future industrial development. When I say small-dollar, I mean I think the bridge could be rebuilt for less than \$1 million (even \$1.5m is still small by CO standards) and funding more lower cost projects as opposed to a handful of high-dollar projects seems to be preferred by most Connect Oregon influencers. Moreover, having W & P apply for this doesn't preclude P & W asking for something else, since they are separate corporations that file separate annual reports to the state even though W & P's public face is subordinate to PNWR. In my opinion, a good P & W project would be to start upgrading that small rail on the United Railways District between Bowers Jct. and Banks. You can point to the 2025 North Plains derailment as solid justification. And there's more rail to replace on the Oregon Electric too.

Bob

From: Oregon Department of Transportation <odot@service.govdelivery.com>
Sent: Wednesday, January 7, 2026 9:00 AM
To: MELBO Robert I <Robert.I.MELBO@odot.oregon.gov>
Subject: Connect Oregon grant 2026 is live now



Having trouble viewing this email? [View it as a Web page.](#)

Connect Oregon grant opportunity opens today



Union Pacific Railroad received a Connect Oregon grant for this North Portland Junction project.

Jan. 7, 2026

For more information, contact Matt Noble 503-779-9868

The next competitive grant opportunity for the Connect Oregon Grant Fund is now live. The application window is open Jan. 7 - Feb. 27, 2026.

[Start your application online today.](#)

We have about \$75 million in funding dedicated by the Oregon Legislature to the program for eligible aviation, marine and rail transportation projects. Public, private and nonprofit entities are eligible to apply.

Visit the [Connect Oregon webpage](#) to apply or learn more about the program, eligibility requirements, and application process.

For questions about potential applications, please contact John Boren at 503-951-0166 or John.boren@odot.oregon.gov.

For questions about past awarded projects, please contact Cece Gilbert, at 503-986-3528 or Cecelia.gilbert@odot.oregon.gov.

After the application window closes, several committees will review and rank submitted applications before presenting a final recommended project list to the Oregon Transportation Commission. We expect the commission will review the final list at their fall 2026 meeting.

More information about the program

Since its creation in 2005, the Connect Oregon Grant Program has supported 240 projects that improve Oregon's non-highway transportation infrastructure. Funding for this program now comes from the "light vehicle dealer privilege tax" in the [2017 state transportation funding law](#). ODOT can't legally use this funding for road maintenance or agency operations.

The program's most recent funding opportunity was in 2024; we awarded \$48 million in grants for 19 projects throughout the state. [View the 2024 awarded project list PDF online.](#)

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Oregon Department of Transportation

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