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August 11, 2017

244099

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
August 11, 2017
Part of
Public Record

Re: **Docket No. AB-1244X, Columbia & Cowlitz Railway, LLC—Abandonment
Exemption—in Cowlitz County, WA**

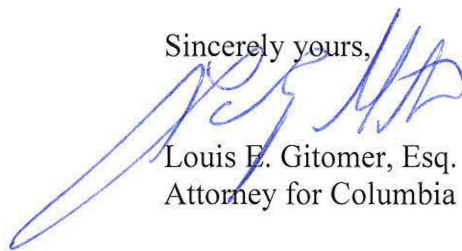
Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for Columbia & Cowlitz Railway, LLC ("CLC") to abandon an approximately 7-mile rail line between Longview, milepost 1.5 and Ostrander Junction, milepost 8.5, all in Cowlitz County, WA. Also enclosed are a check for the filing fee of \$4,000, and a computer diskette containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it in the enclosed prepaid envelope.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer, Esq.
Attorney for Columbia & Cowlitz Railway, LLC

Enclosure

FILED
August 11, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
August 11, 2017
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1244X

COLUMBIA & COWLITZ RAILWAY, LLC
–ABANDONMENT EXEMPTION–
IN COWLITZ COUNTY, WA

VERIFIED NOTICE OF EXEMPTION

Bradley S. Gordon, Esq.
Attorney
Patriot Rail Company LLC
10060 Skinner Lake Drive
Jacksonville, Florida 32246
(904) 513-9029

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250

Attorneys for: Columbia & Cowlitz
Railway, LLC

Dated: August 11, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1244X

COLUMBIA & COWLITZ RAILWAY, LLC
–ABANDONMENT EXEMPTION–
IN COWLITZ COUNTY, WA

VERIFIED NOTICE OF EXEMPTION

Columbia & Cowlitz Railway, LLC (“CLC”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CLC to abandon an approximately 7-mile rail line between Longview, milepost 1.5 and Ostrander Junction, milepost 8.5, all in Cowlitz County, WA (the “Line”). No local or overhead traffic has moved over the Line during the past two years. There is no overhead traffic on the Line to be rerouted.

Based on the information in the possession of CLC, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

There are no local shippers on the Line. No traffic has moved over the Line in the last two years. The last shipper to use the Line, Cowlitz County, has opened a pipeline to move the leachate and has been moving trash exclusively by truck since March 9, 2015.

1. Proposed consummation date. The proposed consummation date is September 30, 2017.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. Columbia & Cowlitz Railway, LLC.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CLC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CLC seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 7-mile rail line between Longview, milepost 1.5 and Ostrander Junction, milepost 8.5, in Cowlitz County. There are two stations on the Line, Milco at milepost 4.25 and Rocky Point at milepost 6.0.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2205, Melanie@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses U.S. Postal ZIP Codes 98632 and 98636.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

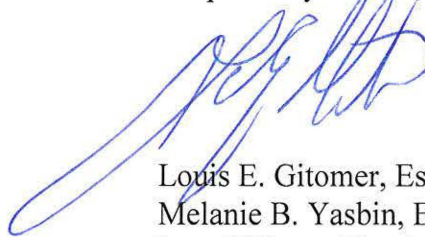
The CLC quit claim deed gives Weyerhaeuser, the previous owner, a purchase option; if Weyerhaeuser does not exercise its option the Line would be available for trail use.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

6. Environmental Report. *See* Exhibit D. Based on information in the possession of CLC, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report. *See* Exhibit D.

Respectfully Submitted,



Bradley S. Gordon, Esq.
Attorney
Patriot Rail Company LLC
10060 Skinner Lake Drive
Jacksonville, Florida 32246
(904) 513-9029

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250

Attorneys for: Columbia & Cowlitz
Railway, LLC

Dated: August 11, 2017

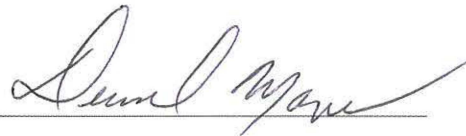
EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

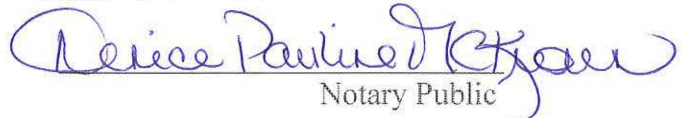
I, Dennis D. Marzec, being duly sworn, depose and state that I am Chief Operating Officer for Columbia & Cowlitz Railway, LLC ("CLC"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over CLC's 7-mile rail line between Longview, milepost 1.5 and Ostrander Junction, milepost 8.5, all in Cowlitz County, WA for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CLC by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



SUBSCRIBED AND SWORN TO before me this 30th day of ^{August}~~July~~, 2017.

My Commission Expires: 4/7/2020


Notary Public

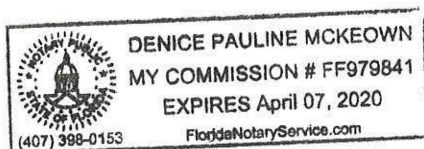


EXHIBIT B

MAP

6

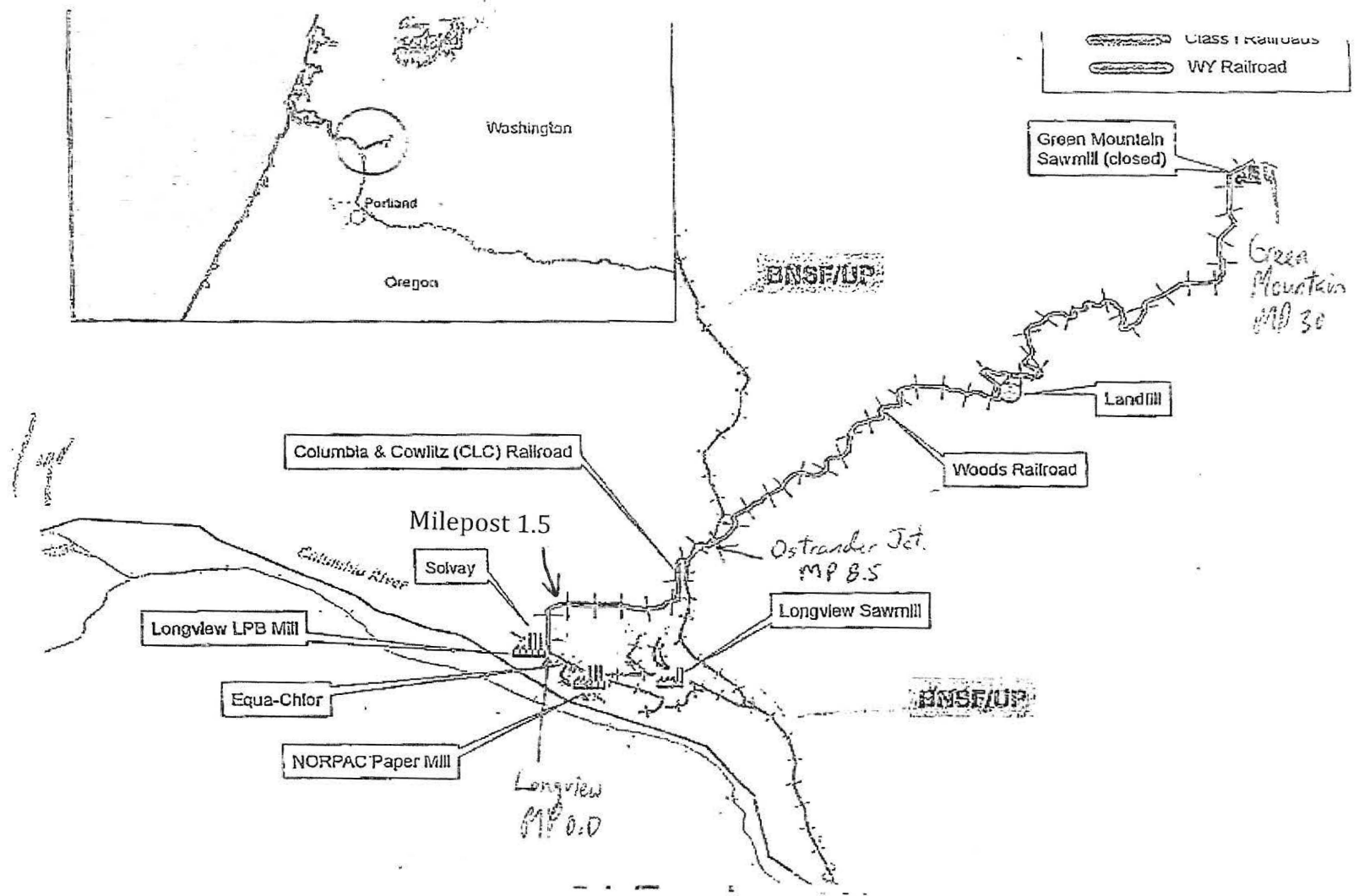


EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1244X was mailed via first class mail on July 18, 2017, to the following parties:

State Public Service Commission

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr., SW
Olympia, WA 98504-7250

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

National Park Service

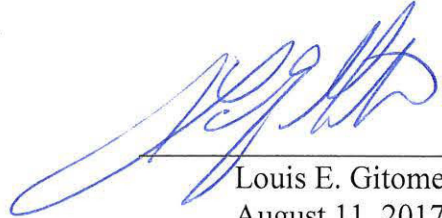
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

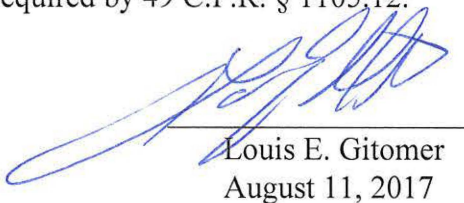
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Louis E. Gitomer
August 11, 2017

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1244X was advertised on August 5, 2017 in the The Daily News, a newspaper of general circulation in Cowlitz County, WA as required by 49 C.F.R. § 1105.12.



Louis E. Gitomer
August 11, 2017

Notice of Abandonment Exemption

Columbia & Cowlitz Railway, LLC ("CLC") give notice that on or about August 11, 2017, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting CLC to abandon an approximately 7-mile rail line between Longview, milepost 1.5 and Ostrander Junction, milepost 8.5, all in Cowlitz County, WA, in Cowlitz County, WA, which traverses through United States Postal Service ZIP Codes 98632 and 98636. These proceeding will be docketed as No. AB-1244X.

The Board's Section of Environmental Analysis will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative: Melanie Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2205, email at Melanie@lgrailaw.com.

EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Combined Environmental and Historic Report was electronically filed with the Board's Office of Environmental Analysis on August 3, 2017.

**ENVIRONMENTAL AND HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-1244X was mailed via first class mail on February 17, 2017 to the following parties:

Natural Resources Conservation Service
USDA
316 West Boone Ave
Suite 450
Spokane, WA 99201

Washington Shorelines and Environmental Assistance
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Washington Department of Archeology and Historic Preservation
1063 S. Capital Way
Suite 106
Olympia, WA 98501

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504

U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

U.S. Fish and Wildlife Service
Pacific Region
911 NE 11th Ave
Portland, OR 97232

Laura Joss, Regional Director
U.S. National Park Service
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Mr. David Campbell
City Manager
City of Longview
P.O. Box 128
1525 Broadway
Longview, WA 98632

Kelso City Hall
PO Box 819
Kelso, WA 98626

Chairman Joe Gardner
207 4th Ave, N.
Room 305
Kelso, WA 98626

Cowlitz Indian Tribe
Cultural Resources
P.O. Box 2547
Longview. WA 98632



Louis E. Gitomer
August 11, 2017