



Board of Commissioners

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August 15, 2017

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423-0001

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ENTERED
Office of Proceedings
August 22, 2017
Part of
Public Record



Re: Patriot Woods Railroad, LLC, Abandonment in Cowlitz County, Washington [AB-1243X] and Columbia & Cowlitz Railway, LLC Discontinuance Exemption in Cowlitz County, Washington [AB-1244 (sub No. 1X)], and Columbia & Cowlitz Railway, LLC Abandonment Exemption in Cowlitz County Washington [AB-1244X]

Dear Ms. Brown:

This request is filed on behalf of Cowlitz County, Washington which is a government agency interested in recreation, hereinafter referred to as "proponent." Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization(s) between approximate milepost 1.5 to approximate milepost 30.00.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between MP 1.5 and MP 30.00.

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is:
The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides valuable open space and its preservation as a recreational trail is consistent with those purposes.

The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time:

Complete a trail plan and begin negotiations with the carrier.

FILING FEE WAIVED

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, Cowlitz County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Patriot Woods Railroad, LLC and Columbia & Cowlitz Railway, LLC.

The property, known as the Patriot Woods Railroad, LLC and Columbia & Cowlitz Railway, extends from railroad milepost 1.51 near Ocean Beach Highway in Longview WA, to railroad milepost 30.00 near the Old Green Mountain mill site, a distance of approximately 28.5 miles in Cowlitz County, WA. The right-of-way is part of a line of railroad proposed for abandonments in STB Docket No. AB-1243X and Columbia & Cowlitz Railway, LLC Discontinuance Exemption in Cowlitz County, Washington Docket No. AB-1244 (sub No. 1X), and Columbia & Cowlitz Railway, LLC Abandonment in Cowlitz County, Washington Docket No. AB-1244X

A map depicting the right-of-way is attached.

Cowlitz County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Patriot Woods Railroad, LLC and Columbia & Cowlitz Railway, LLC, through Melanie Yasbin, at Law Office of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, by U.S. Mail, postage pre-paid, first class, this day, August 15, 2017.

Respectfully submitted,

**Board of County Commissioners
of Cowlitz County, Washington**


Joe Gardner, Chairman

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