



Surface Transportation Board

Washington, D.C. 20423-0001

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Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

Office of Proceedings

March 19, 2019

May 17, 2019

Part of

Present: Members Begeman, Fuchs, and Oberman

Public Record

Member Staff Ellen Erichsen, Lisa Novins, Valerie Quinn

Agency Staff Anika Cooper, Allison Davis, Rachel Campbell, Scott

Zimmerman, Ted Hunt, Amy Ziehm, Barbara Miller

Topic: Docket No. FD 35692, Eastside Community Rail, LLC – Acquisition and Operation Exemption – GNP RLY Inc.; Docket No. FD 35730, Ballard Terminal Railroad Company, LLC – Lease Exemption – Eastside Community Rail, LLC

Summary of the Matters Discussed, Prepared by Acting General Counsel Anika Cooper:

This proceeding involves Snohomish County's petition for reconsideration of the Board's December 11, 2018 decision (December Decision), which denied Snohomish County's petitions to revoke an acquisition exemption of Eastside Community Rail, LLC (ECR) and a lease exemption of Ballard Terminal Railroad Company (Ballard). In the December Decision, the Board found that Snohomish County's petitions to revoke were based on claims concerning ECR's property interests and should be addressed by an appropriate court. On reconsideration, Snohomish County argues that the Board materially erred and should either revoke the exemptions as false and misleading or clarify that a state court action is not barred under these circumstances.

Staff and Board Members discussed the following issues:

1. The determinations in the December Decision.
2. The Board's standards for reconsidering decisions and revoking exemptions.
3. Snohomish County's arguments for reconsidering the December Decision.
4. The nature and status of the property rights issues raised by the petition.