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244049

August 3, 2017

ENTERED
Office of Proceedings
August 7, 2017
Part of
Public Record

Ms. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

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

Dear Ms. Rutson:

On or about August 11, 2017, we expect to be filing with the Surface Transportation Board ("STB") a Verified Notice of Exemption seeking authority 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.

Enclosed for electronic filing is the Combined Environmental and Historic Report ("CEHR") which describes the proposed action and any expected environmental and/or historical effects, as well as maps of the affected area. A draft CEHR was mailed vial first class mail to the parties required under 49 C.F.R. 1105.7 and under 49 C.F.R. 1105.8(c) on June 1, 2016 and an updated CEHR was mailed on February 17, 2017.

Sincerely yours,



Melanie B. Yasbin
Attorney for Columbia & Cowlitz Railway, LLC

Enclosure

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-1244X

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

Dated: February 17, 2017

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Columbia & Cowlitz Railway, LLC (“CLC”) proposes to abandon the 7-mile rail line between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the “Line”). Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CLS will salvage the track and materials from the Line, but will leave the ballast, bridges and culverts in place.

Abandonment of the Line will result in the removal of the rail. 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. CLC does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures. The operations and maintenance of the line will cease. Removal of the Line will result in the elimination of 19 public road crossings and 6 private road crossings.

There has been no local or overhead traffic on the Line since March 9, 2015. Prior to March 9th, the Line carried trash and leachate. The number of cars on the Line has been steadily declining as trash has move to truck and a pipeline was completed to move the leachate.

The only alternative to a full abandonment would be for CLC not to abandon the Line. With little, if any, potential traffic, CLC has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) CLC considers the proposed abandonment to be consistent with existing land use plans. The area surrounding the Line is both urban and rural in nature according the Cowlitz County Draft Comprehensive Plan maps dated March 2015.

CLC contacted the cities of Longview and Kelso, and Cowlitz County, by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised draft CEHR). See Exhibit 2. CLC contacted the Cowlitz Indian Tribe by letter dated February 17, 2017 (including a revised draft CEHR) for their information and further comment. The City of Longview ("Longview") replied by letter dated July 11, 2016. According to Longview, the portion of the Line within its city limits is urban in nature. Additionally, Longview may be interested in seeking trail use for the Line within the city limits. See Exhibit 2. No other responses have been received as of this date.

By letter dated March 30, 2017, the Utilities and Transportation Commission ("UTC")¹ recommends that the Board condition approval of the abandonment on the railroads causing no damage to, or affecting any change to the structural integrity of, the grade-separated public road crossings where the highway runs under the railroad while conducting salvage operations of track and materials. The UTC also recommends that for the public at-grade road crossings the railroad be responsible for: (1) removing and properly disposing of crossing surface materials at each of the crossings and repaving the roadways to closely match existing pavement; (2) removing and properly disposing of all train-activated signaling equipment, including the flashing light assemblies, gates, masts, cantilevers, and bungalows; and (3) removing and properly dispose of all signage within the footprint of the crossing.

(ii) CLC does not believe that there is any prime agricultural land that will be affected.

CLC notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letters dated June 1, 2016 (including a draft CEHR)

¹ While the subject line of the comments refers to Docket AB-1244 (Sub-No. 1X) Columbia and Cowlitz Railway, LLC—Discontinuance Exemption—in Cowlitz County, WA, the substance of the comments is in response to this docket.

and February 17, 2017 (including a revised draft CEHR), and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. No responses have been received as of this date.

(iii) The Line does not pass through a designated coastal zone.

(iv) CLC believes the Line would be suitable for interim trail use/rail banking, if

Weyerhaeuser does not exercise its option to repurchase the property.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on the Line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed

action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) There was soil contamination at Evergreen Road North of Kelso, WA. Cleanup was conducted in 1998 and CLC has had no issues since that time. There were also oil lubrication spills of rail switches throughout the Line. As of October 14, 2004, used oil was no longer used on switches and appropriate products and methods were implemented based on industry standards.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) CLC does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CLC notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised draft CEHR), and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See Exhibit 2.* To date, no response to this request has been received.

(ii) CLC does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CLC notified the National Parks Service of the proposed abandonment by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised draft CEHR), and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges,

National or State parks or forests. *See Exhibit 2.* To date, no response to this request has been received.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CLC is confident that the proposed abandonment will be consistent with applicable water quality standards. CLC contacted the Washington Department of Ecology (“WDE”) and the United States Environmental Protection Agency (“USEPA”) by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised draft CEHR). *See Exhibit 2.* WDE responded by letter dated July 6, 2016. WDE requests that if CLC removes structures that contain treated wood, CLC refer to WDE’s publication “Focus on Treated Wood Exclusion” for suggested best management practices and disposal requirements. WDE also states with regard to toxics cleanup that “If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, [WDE] must be notified.” No other responses to this request has been received.

(ii) CLC believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CLC does not intend to disturb any of the underlying roadbed or perform any

activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, CLC does not believe a permit under Section 404 of the Clean Water Act will be required.

CLC contacted the U.S. Army Corps of Engineers by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised draft CEHR). To date, no response to this request has been received. *See* Exhibit 2.

(iii) CLC believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CLC contacted the WDE and the USEPA by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised draft CEHR). *See* Exhibit 2. No response has been received as of this date.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CLC does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CLC will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the Washington Department of Archeology and Historic Preservation. *See Exhibit 3.*

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way railroad corridor ranges in width from 50 to 100 feet.

The Line begins south of Ocean Beach Highway. The Line turns northeast and crosses Ocean Beach Highway at the intersection of Nebraska Street. The Line continues east crossing 32nd Avenue, 30th Avenue, and Pacific Way. Traveling east, the Line crosses 15th Avenue and turns slightly north. Turning northeast, the Line crosses Clark Street and Fisher Lane. Moving north the Line runs parallel to the Westside Highway. The Line crosses Nevada Drive, Alpha Drive, and Beulah Drive. The Line then turns east crossing Beacon Hill Drive, Westside Highway, and the Cowlitz River. Traveling east the Line crosses Cowlitz Garden Road. The Line turns north and crosses over N. Pacific Avenue. Running Parallel to N. Pacific Avenue, the Line crosses the BNSF tracks. The Line runs under Highway 5 and heading northeast crosses Kitchen Drive, Evergreen Road, and Holcomb Road. The Line crosses Misty Mountain Road and ends approximately 200 feet north of Misty Mountain Road.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

See Exhibit 4.²

² CLC has included pictures of all of the bridges on the Line even though the construction dates are only known for two bridges.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Bridge Number 7 was constructed in 1926 and Bridge Number 9 was constructed in 1929. The date of construction for the rest of the bridges is not known.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Weyerhaeuser Woods Railroad was originally built by Weyerhaeuser and opened in 1928. It was a 100 mile line that ran through the forests of Cowlitz County and served Weyerhaeuser's Mount St. Helens Tree Farm, its sawmills and other operations, including hauling logs, wood chips and finished product. The Columbia & Cowlitz Railway Company ("CCR") operated on the Weyerhaeuser Woods Railroad line carrying lumber, chemicals and other products to the BNSF Railway main line north of Kelso. The Line was purchased by CLC from CCR in December 2010. *See Columbia & Cowlitz Railway, LLC—Acquisition and Operation Exemption—Columbia & Cowlitz Railway Company*, STB Docket No. FD-35426 (STB served Nov. 5, 2010). The CLC is 8.5-miles of the approximately 31.3-mile Weyerhaeuser Woods Railroad that was acquired by Patriot Rail from Weyerhaeuser in December 2010.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

CLC possesses valuation maps and track charts of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

CLC believes that the bridges on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also CLC's opinion that there are no archeological

resources or other railroad related historic properties in the project area. Moreover, since CLC is agreeable to converting the Line to interim trail use/rail banking, CLC does not plan to alter, remove or dispose of any of the bridges that are on the Line.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

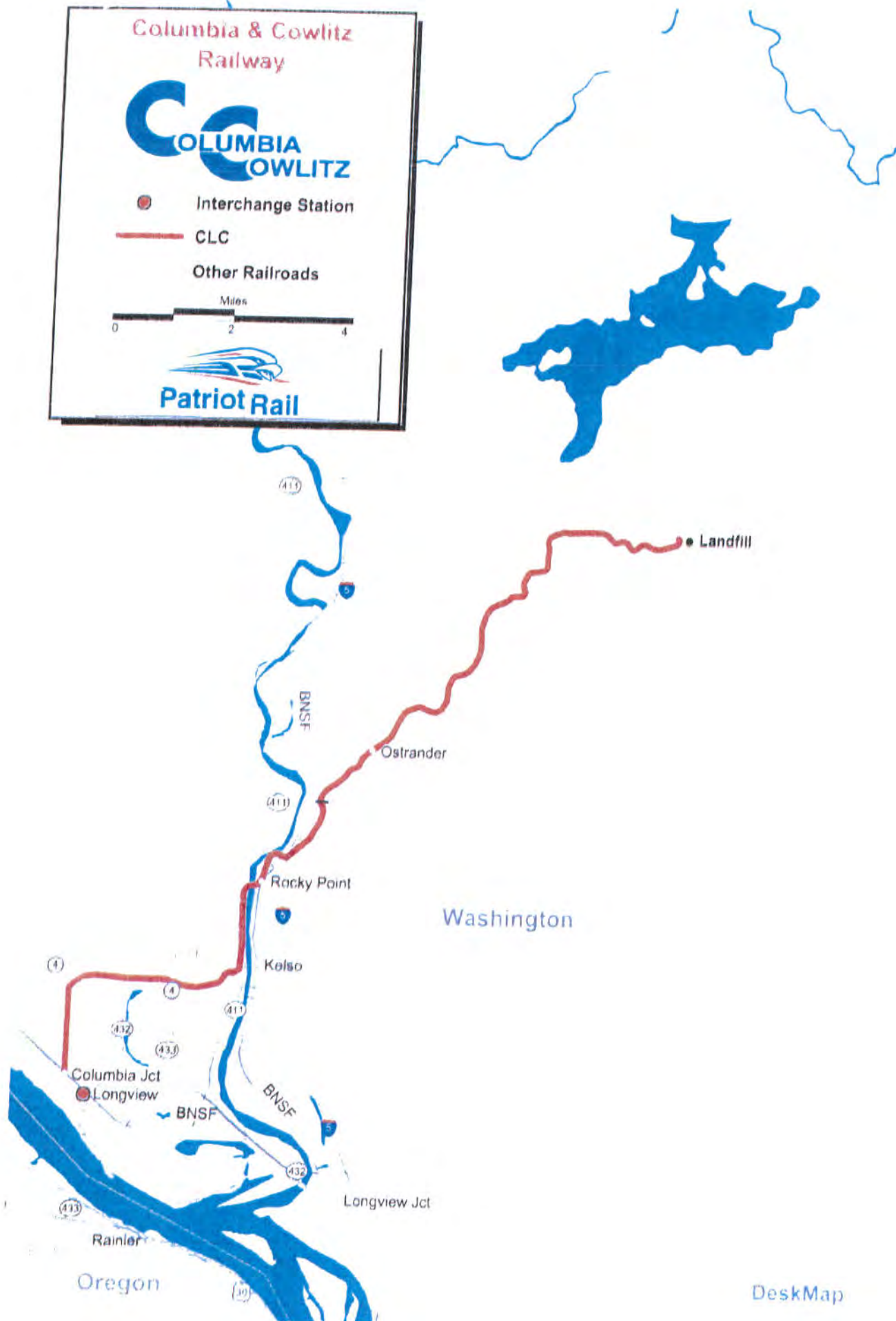
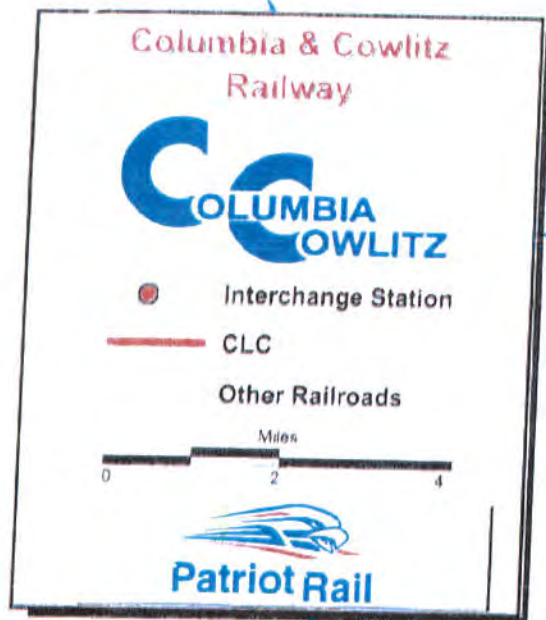
Based on a review of its records, CLC believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CLC does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CLC will promptly supply the necessary information.

CLC contacted the Washington Department of Archeology and Historic Preservation ("DAHP") by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised draft CEHR). *See Exhibit 2.* DAHP replied by letter dated July 5, 2016, asking that CLC hire a cultural resources firm and conduct an inventory of the integrity and eligibility of the railroad and its appurtenances. *See Exhibit 2.*

EXHIBIT 1 – MAP





217-112

EXHIBIT 2 – LETTERS

LAW OFFICES OF
LOUIS E. GITOMER, LLC

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June 1, 2016

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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

Commissioner Michael Karnofski
207 4th Ave. N.
Room 305
Kelso, WA 98626

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

Dear Mr. Karnofski:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5 south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 F Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-1244X.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yasbin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

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February 17, 2017

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205 Chairman Joe Gardner
207 4th Ave. N.
Room 305
Kelso, WA 98626

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

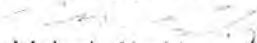
Dear Chairman Gardner:

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Attached is a revised Combined Environmental and Historic Report including comments already received and describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-1244X.

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Sincerely yours,


Melanie Yasbin
Columbia & Cowlitz Railway, LLC

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MELANIE R. YASBIN
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June 1, 2016

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Kelso City Hall
PO Box 819
Kelso, WA 98626

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Abandonment Exemption – in Cowlitz County, WA

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Columbia & Cowlitz Railway, LLC

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February 17, 2017

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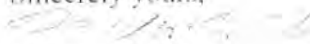
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Sincerely yours,


Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Louis@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
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PHONE 410-296-2205 • FAX 410-296-2512
FAX 410-332-0885

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

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

Dear Mr. Campbell:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure



*Longview named one of the top ten prettiest
towns in America by Forbes - March 29, 2012*

P.O. Box 128
Longview, WA 98632-7080
www.mylongview.com

July 11, 2016

Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Melanie Yasbin
Law Offices of Louis E. Gittomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204

RE: Docket No. AB-1244X, Columbia & Cowlitz Railway, LLC – Abandonment Exemption – in Cowlitz
County, WA

Thank you for providing the City of Longview the opportunity to comment on the above referenced proposal. City staff have reviewed the Combined Environmental and Historic Report dated June 1, 2016, that is to provide the basis for an independent environmental analysis of this proceeding. Based upon our reading of the Combined Report, we offer the following comments and ask that they be reflected in the record.

Environmental Report

Proposed Action and Alternatives. In addition to removing the track "and materials" from the Line, other infrastructure should be removed, including but not limited to all signs and crossing arms.
Transportation System. Positive effects of the proposed action would include the removal of grade crossings of City streets at which buses would no longer be required to stop, thus reducing rear-end vehicle collisions.

Land Use. (i) indicates that the Columbia & Cowlitz Railway considers the proposed abandonment to be consistent with existing land use plans; that the area surrounding the Line is rural in nature; and that the City of Longview was contacted about the Report with no response received by June 1, 2016. A generalized statement about the area perceived land use compatibility does not indicate any consistency or inconsistency with our Comprehensive Plan; in actuality the area surrounding the Line within the City of Longview is urban in nature; and the City was not contacted about the Report until receiving a letter dated June 1, 2016, from the Law Offices of Louis E. Gittomer, LLC, transmitting the Report on June 6, 2016.

Noise. Continued non-use and the proposed abandonment of the Line would lead to a reduction of noise in urban residential areas.

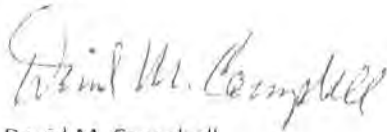
Safety. Continued non-use and the proposed abandonment of the Line would lead to an increase in safety at urban rail crossings.

Historic Report

2. The indicated width of the railroad corridor right of way – six (6) feet outside of the rail) – seems narrow to us; our parcel information indicates most of the railroad corridor right of way is 50 feet wide. Did Weyerhaeuser, the previous owner, retain underlying right of way outside of the 6-foot dimension noted? Minor corrections to the written description of the right of way in one sentence: "Turning northwest, the Line crosses Clark Street and Fisher Lane." That should be, "Turning **northeast**, the Line crosses Clark Street and Fishers Lane."

In addition to the above comments, the City of Longview will in due course consider publishing and filing the appropriate documents to make the Line within the city limits available for trail use. If the City elects to pursue that, actual eventual trail use may be coordinated with the City of Kelso and Cowlitz County, given that the Line exits the Longview city limits twice and enters the City of Kelso city limits near Clark Street for a short distance as well as Cowlitz County jurisdiction adjacent to the Westside Highway south of Nevada Drive.

Sincerely,



David M. Campbell

City Manager

cc: Mayor and City Council

Kurt Sacha, Assistant City Manager, Finance Director

Jennifer Wills, Parks and Recreation Director

Jeff Cameron, Public Works Director

John Brickey, Community Development Director

Cowlitz County Board of Commissioners

City of Kelso

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

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MELANIE B. YASBIN
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410-296-2205

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

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

Dear Mr. Campbell:

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Sincerely yours,


Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
LGitomer@graillaw.com

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301, TOWSON, MARYLAND 21204
410-296-2250 • (202) 466-6882
FAX: (410) 317-1888

MELANIE B. YASBIN
Melanie@graillaw.com
410-296-2205

National Oceanic and Atmospheric Administration
National Geodetic Survey
via email: simon.monroe@noaa.gov

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

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Lou@lgraillaw.com

MELANIE B. YASBIN
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410-296-2205 National Oceanic and Atmospheric Administration
National Geodetic Survey
via email: simon.monroe@noaa.gov

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

February 17, 2017

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

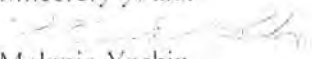
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Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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FAX 410-733-0885

June 1, 2016

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

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

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Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
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FAX (410) 332-0885

MELANIE B. YASBIN
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410-296-2205

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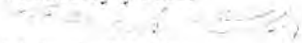
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Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

TYPE 4 - Unrevised
Lmvt@raillaw.com

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301,
TOWSON, MARYLAND 21204-1055
CALL: 410-296-2250 / 410-653-7777
FAX: 410-335-0885

Melanie B. Yasbin
Melanie@raillaw.com
410-296-2250

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

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Abandonment Exemption—in Cowlitz County, WA

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LAW OFFICES OF
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LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
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(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
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410-296-2205

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LOUIS E. GITOMER
Louis@lgrailaw.com

MELANIE B. YASBIN
Melanie@lgrailaw.com
410-296-2250

June 1, 2016

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FAX (410) 332-0835

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

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Melanie Yasbin
Columbia & Cowlitz Railway, LLC

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LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lot@lgrailaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
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MELANIE B. YASBIN
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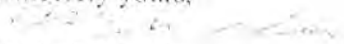
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LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
lgom@lgraillaw.com

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-1022
TEL: 410-296-2250 • FAX: 410-661-3325
FAX: 410-661-3385

MELANIE B. YASHIN
Melanie@lgraillaw.com
410-296-2205

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

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Abandonment Exemption in Cowlitz County, WA

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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yashin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie Yashin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

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

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

Dear Madam/Sir:

On or about March 10, 2017, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

Attached is a revised Combined Environmental and Historic Report including comments already received and describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-1244X.

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

For Ishtar Gitomer
louis@lgraillaw.com

June 1, 2016

Melanie B. Yasbin
Melanie@lgraillaw.com
410-296-2250

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-3633
PHONE: 410-296-2250 • 410-633-6117
FAX: 410-633-6883

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

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

Dear Madam/Sir:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 4.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
lou@lgraillaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
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MELANIE B. YASBIN
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U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

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

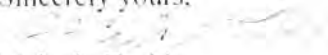
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Sincerely yours,


Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

For reply, contact at:
Law Offices of Louis E. Gitomer, LLC

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204
410-296-2250
FAX 410-296-2250

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2250

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

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

Dear Madam/Sir:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
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February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
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(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

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

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

Dear Madam/Sir:

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Sincerely yours,


Melanie Yasbin

Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Louis@lgraillaw.com

Melanie B. Yasbin
Melanie@lgraillaw.com
410-296-2255

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-3001
TEL: 410-296-2255 • FAX: 410-733-0883

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

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

Dear Madam/Sir:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

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

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

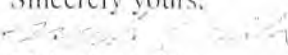
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Sincerely yours,


Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

March 30, 2017

Surface Transportation Board
Office of Environmental Analysis
395 E Street SW
Washington, DC 20423

Melanie Yasbin, Attorney
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204-4022

RE: Docket No. AB-1243X, *Patriot Woods Railroad LLC – Abandonment Exemption – in Cowlitz County, WA*
Docket No. AB-1244X (Sub-No. 1X), *Columbia and Cowlitz Railway, LLC – Discontinuance Exemption – in Cowlitz County, WA*

The Utilities and Transportation Commission (commission) appreciates the opportunity to comment on the revised Combined Environmental and Historic Reports for the proposal by Columbia & Cowlitz Railway, LLC (CLC), to abandon the seven-mile rail line between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, and the proposal by Patriot Woods Railroad, LLC (PW) to abandon the 21.5-mile rail line between milepost 8.5 and milepost 30, in Cowlitz County, Washington.

The commission has responsibility under state law for regulating, inspecting, and establishing standards for safety at more than 2800 public railroad crossings in Washington and private railroad crossings located on routes that carry crude oil tanker cars. The commission also reviews and has approval authority over the construction of new crossings, and alteration, modification, or closure of existing at-grade and grade-separated railroad crossings. In addition, the commission partners with the U.S. Department of Transportation's Federal Railroad Administration (FRA) and employs FRA-certified inspectors to perform railroad inspections related to transporting hazardous materials, signal and train control, track, operating practices, and motive power and equipment in support of the FRA's regulatory and inspection programs.

The commission's primary concern is final disposition of the infrastructure that comprises the 22 public rail crossings proposed to be abandoned along with the rail lines in these two dockets. For our purposes, crossing infrastructure means all of the elements that make up a public rail crossing, including the crossing surface, signage, pavement markings, and train-activated signaling equipment for at-grade crossings, and the framework and abutments of grade-separated crossings.

The Combined Environmental Report for Docket No. AB-1243X, pertaining to the PW proposal, states:

"Upon receipt of abandonment authority from the Surface Transportation Board (the "Board"), PW will salvage the remaining track and material on the Line."¹

"Removal of the Line will result in the elimination of 3 public road crossings and 13 private road crossings."²

The Combined Environmental Report for Docket No. AB-1244 (Sub-No. IX), pertaining to the CLC proposal, contains similar statements:

"Upon receipt of abandonment authority from the Surface Transportation Board (the "Board"), CLS will salvage the track and materials from the Line, but will leave the ballast, bridges, and culverts in place."³ (*sic*)

"Removal of the Line will result in the elimination of 19 public road crossings and 6 private road crossings."⁴

These statements represent the sum total of information provided regarding the final disposition of the substantial infrastructure on these two lines. The commission believes this level of information to be incomplete, particularly as it relates to the public road crossings proposed for elimination.

There are three specific types of road crossings slated for elimination in these proposed rail line abandonments: private road crossings, public grade-separated road crossings, and public at-grade road crossings.

¹ Combined Environmental and Historic Report, Docket No. AB-1243, Patriot Woods Railroad, LLC – Abandonment Exemption – In Cowlitz County, WA – Environmental Report, dated February 17, 2017 – Page 1, response paragraph 1.

² *Id.* at response paragraph 2.

³ Combined Environmental and Historic Report, Docket No. AB-1244X, Columbia & Cowlitz Railway, LLC – Abandonment Exemption in Cowlitz County, WA – Environmental Report, dated February 17, 2017 – Page 1, response paragraph 1.

⁴ *Id.* at response paragraph 2.

Private Crossings

There are 19 private crossings proposed for elimination. The commission has no jurisdiction over these crossings and therefore has no comments or recommendations.

Public Grade-Separated Road Crossings

According to commission records, 12 of the 22 public road crossings proposed for elimination are grade separated. In four instances, the railroad travels under the highway. Under Washington state law,⁵ the bridges associated with this type of crossing are already maintained by the road authority and their proposed elimination would have little practical effect.

For the other eight grade-separated public road crossings, the highway runs under the railroad. Under current state law⁶ the railroad is responsible for maintaining the framework, structure, and abutments for this type of crossing. If the abandonment is approved, the future maintenance and safety of these rail bridges (trestles) will fall to the road authority. In this instance, most of the burden would be on Cowlitz County.

The commission recommends that the Surface Transportation Board (STB) condition approval of the abandonment petitions on the railroads causing no damage to, or affecting any change to the structural integrity of, these bridges while conducting salvage operations of track and materials.

Public At-Grade Road Crossings

Ten of the 22 public road crossings proposed for elimination are at grade. The commission recommends that the STB condition approval of the abandonment petitions on the railroads' responsible removal of these at-grade crossings as follows:

- 1) Remove and properly dispose of crossing surface materials at each of the ten crossings. Repave the roadways to closely match existing pavement.
- 2) Remove and properly dispose of all train-activated signaling equipment, including the flashing light assemblies, gates, masts, cantilevers, and bungalows.
- 3) Remove and properly dispose of all signage within the footprint of the crossing (*i.e.*, within one foot of the edge of the crossing surface on each approach). The road authority should be responsible for removal of signage outside the footprint of the crossing, such as advance warning signs, as well as any painted road markings.

There are two reasons for the commission's recommendation for the at-grade crossings. First, under both state law and federal rule,⁷ certain passenger-carrying vehicles (*e.g.*, school buses, charter buses, transit buses) and some commercial motor carriers transporting hazardous,

⁵ RCW 81.53.090.

⁶ *Id.*

⁷ RCW 46.61.350, Title 49 CFR Part 392.10.

Surface Transportation Board
Melanie Yasbin
March 30, 2017
Page 4

explosive, or corrosive materials, must stop at all at-grade railroad crossings. Drivers must look and listen before traversing the crossing, regardless of how the crossing is protected. In the commission's experience, when some railroads abandon crossings, in particular when abandoning industry spur lines where the industry no longer exists, the railroads remove the rail on either side of the crossings but leave the rail and part or all of the crossing infrastructure in place. This is often confusing for commercial motor carriers required to stop at railroad crossings. It also creates an unnecessary traffic hazard for all drivers in the area.

Second, failure to remove signage, equipment, and surface materials creates a significant liability for the road authority. Crossing infrastructure, particularly crossing surfaces that are not regularly and properly maintained, will ultimately fail. It will then be up to the road authority to clean up a costly mess left behind by the railroad.

These proposed abandonments involve safety issues important to the state of Washington. As the agency responsible for railroad safety in the state, the commission requests to be informed at every stage of this process. Please send copies of all future notices, comments, documents, schedules, and records related to these dockets to:

Kathy Hunter
Rail Safety Manager
Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

Thank you for the opportunity to comment. If you have any questions, please contact Ms. Hunter at (360) 664-1257 or by email at khunter@utc.wa.gov.

Sincerely,



Steven V. King
Executive Director and Secretary

cc: Board of County Commissioners of Cowlitz County
David M. Campbell, City Manager, City of Longview
City Hall, City of Kelso
Connie Raezer, Washington State Department of Transportation
David Pratt, Assistant Director for Transportation Safety, Utilities and Transportation Commission

LAW OFFICES OF
LOUIS E. GITOMER, LLC

Louis E. Gitomer
Louis@lgraillaw.com

Melanie B. Yasbin
Melanie@lgraillaw.com
410-296-2250

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4673
PHONE: 410-296-2250 FAX: 410-296-2253
FAX: 410-733-0850

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

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

Dear Madam/Sir:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure



DEPARTMENT OF ECOLOGY

July 6, 2016

Ms. Melanie Yasbin
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204

Dear Ms. Yasbin:

Thank you for the opportunity to comment on the NEPA for the Docket No. AB-1244X, Columbia & Cowlitz Railway, LLC-Abandonment Exemption in Cowlitz County, Washington. The Department of Ecology (Ecology) reviewed the information provided and has the following comment(s):

HAZARDOUS WASTE & TOXICS REDUCTION: Tara Davis (360) 407-6275

The applicant proposes to remove a structure(s) that may contain treated wood. Please refer to Ecology's publication "Focus on Treated Wood Exclusion," available at <http://www.ecy.wa.gov/pubs/0304038.pdf>, for suggested best management practices and disposal requirements for treated wood. For additional information or clarification, please contact Dee Williams with Ecology's Hazardous Waste and Toxics Reduction Program at (360) 407-6348.

TOXICS CLEANUP: Andrew Smith (360) 407-6316

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Andrew Smith with the SWRO. Toxic Cleanup Program at the phone number given above.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

Ms. Melanie Yasbin

July 6, 2016

Page 2

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:16-3137)

cc: Tara Davis, HWTR
Andrew Smith, TCP

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

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

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

Dear Madam/Sir:

On or about March 10, 2017, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

Attached is a revised Combined Environmental and Historic Report including comments already received and describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-1244X.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yasbin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,


Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204
(410) 296-2250 x203, 1667633
FAX (410) 332-9853

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

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

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

Dear Madam/Sir:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Columbia & Cowlitz Railway, LLC to abandon an approximately 7-mile line of railroad between milepost 1.5, south of Ocean Beach Highway, and milepost 8.5, Ostrander Junction, in Cowlitz County, WA (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OE/A), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-1244X.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OE/A (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yasbin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

July 5, 2016

Ms. Victoria Rutson
Environmental Section Chief
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423-0001

In future correspondence please refer to:

Project Tracking Code: 2016-07-04716

Property: Abandonment of the Columbia & Cowlitz Railway
(AB-1243X; AB-1243 Sub 1X; AB-1244X; AB-1244 Sub 1X; AB-1244 Sub 2X)

Re: APE Concur

Dear Ms. Rutson:

The following comments are fitting for each of the abandonment proceedings docket numbers furnished above. Recently, the State Historic Preservation Officer (SHPO) the director of the Washington State Department of Archaeology and Historic Preservation (DAHP) was contacted regarding the above referenced undertaking by legal counsel of the Columbia and Cowlitz Railway (CLC). In response, we have reviewed their description and map of the area of potential effect (APE) for this proceeding. We concur with their definition of the APE.

However, we cannot concur with the findings of the CLC's legal representatives that the railway is not eligible for the National Register of the Historic Places. We do not concur because of the level of effort made in determining eligibility is not commensurate with the scope of the undertaking; and secondarily, we are confident that those who making the assertion do not meet the Secretary of the Interior Standards (SOI). We recommend that prior to the abandonment proceedings, the applicant hire a cultural resources firm, meeting the SOI Standards, for cultural resources and conduct a thorough investigation into the integrity and eligibility of the railroad and its appurtenances. Those findings should be brought before the SHPO for review and concurrence as provided for under 36CFR800. Please have the project proponent provide DAHP with the survey methodology before proceeding with any historic property inventories.

Along with the results of the inventory we will need to review your consultation with the concerned tribes, and other interested/affected parties. Please provide any correspondence or comments from concerned tribes and/or other parties that you receive as you consult under the requirements of 36 CFR 800.4(a)(4). These comments are based on the information available at the time of this review and on behalf of the SHPO, in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR 800. Should additional information about the project become available, our assessment may be revised.

Finally, please note that in order to streamline responses, DAHP requires that all documents related to project reviews be submitted electronically. Correspondence, reports, notices, photos, etc. must now be submitted in PDF or JPG format. For more information about how to



submit documents to DAHP please visit: <http://www.dahp.wa.gov/programs/shpo-compliance>
To assist you in conducting a cultural resource survey and inventory effort, DAHP has developed guidelines including requirements for survey reports. You can view or download a copy from our website.

Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

Sincerely,

Russell Holter
Project Compliance Reviewer
(360) 586-3533
russell.holter@dahp.wa.gov



LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

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TOWSON, MARYLAND 21204-4022
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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

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

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

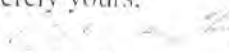
Dear Madam/Sir:

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Sincerely yours,


Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

EXHIBIT 3 – USGS MAPS



EXHIBIT 4 – BRIDGE PHOTOGRAPHS

Columbia & Cowlitz Railway - Patriot Woods Railroad

(2015) Detailed Inspection



Bridge 6

Location

Town/Station: Longview

State: WA

Latitude: N 46 9.845

Longitude: W 122 54 987

Access: T

Notes:

Description

Type: Steel

Deck Type: Open

Number of Spans: 2

Number of Tracks: 1

Height: 12'

Length: 49'

Year Constructed:

Feature Crossed: Nevada Drive

Bents/Piers Abutments in Water: 0

Max Water Depth: 0

Scour Susceptible: No

Tangent/Curve: Tangent

Skewed: No

Super Elevation: No

Super Elevation Direction:

Walkway: Yes

GuardRail: No

Utilities Present: No

Utility Type:

Mileage Increases: West to East

Members Numbered: South to North

Lead Inspector: J. Baird

Date Approved: 10/01/2015

Columbia & Cowlitz Railway - Patriot Woods Railroad

(2015) Detailed Inspection



Bridge 6A

Location

Town/Station: Longview

State: WA

Latitude: N 46 09.94

Longitude: W 122 55 00.7

Access: 1

Notes:

Description

Type: ODFI	Deck Type: Open
Number of Spans: 26	Number of Tracks: 1
Height: 14'	Length: 416'
Year Constructed:	Feature Crossed: Ditch/Road
Bents/Piers/Abutments in Water: 0	Max Water Depth: 0
Scour Susceptible: No	
Tangent/Curve: Tangent	Skewed: No
Super Elevation: No	Super Elevation Direction:
Walkway: Yes	GuardRail: No
Utilities Present: No	Utility Type:
Mileage Increases: West to East	Members Numbered: South to North
Lead Inspector: J. Baird	
Date Approved: 10/01/2015	

[Signature]

Bridge 7

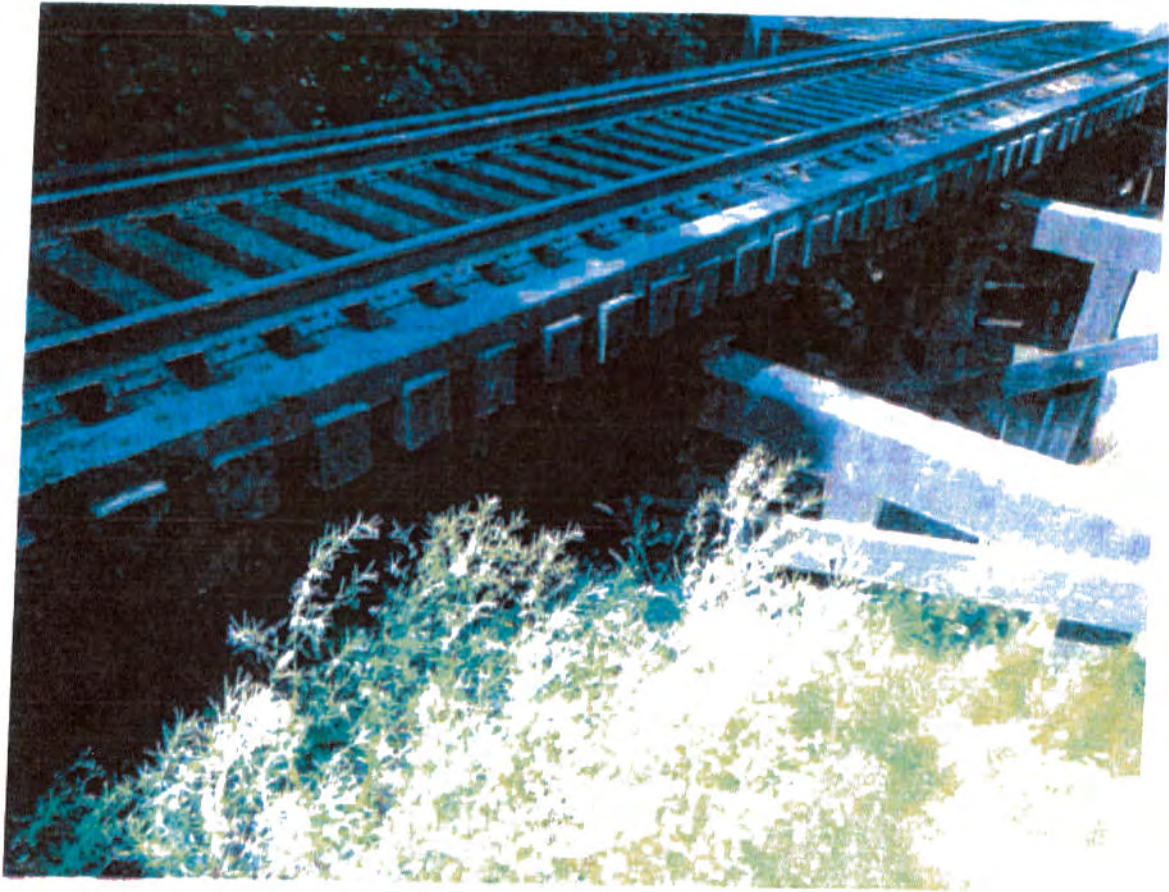








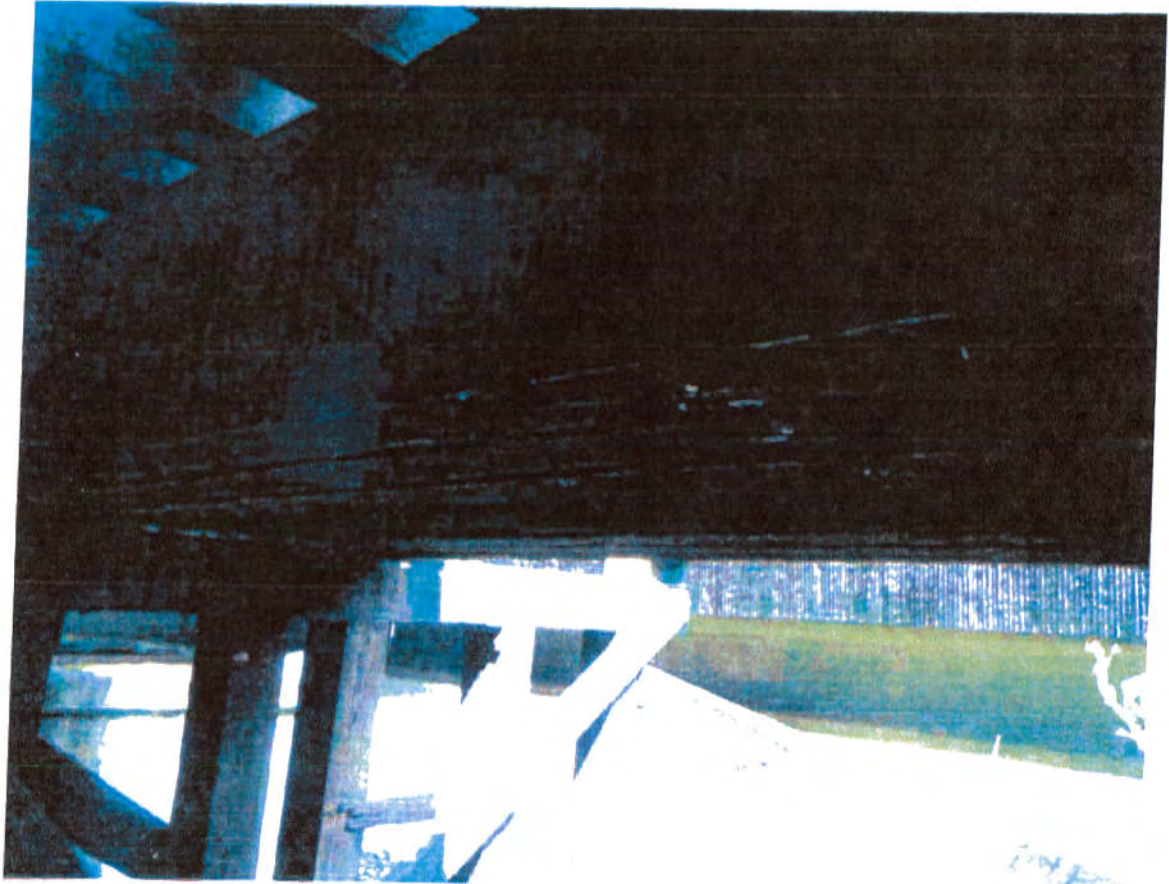
Bridge 9











Columbia & Cowlitz Railway - Patriot Woods Railroad

(2015) Detailed Inspection



Bridge 8

Location

Town/Station: Kelso

State: WA

Latitude: N 46 10.542

Longitude: W 122 54.486

Access:

Notes:

Description

Type: ODFT	Deck Type: Open
Number of Spans: 12	Number of Tracks: 1
Height: 18'	Length: 194'
Year Constructed:	Feature Crossed: Roadway
Bents Piers Abutments in Water: 0	Max Water Depth: 0
Scour Susceptible: No	
Tangent/Curve: Curve	Skewed: No
Super Elevation: No	Super Elevation Direction:
Walkway: Yes	GuardRail: No
Utilities Present: No	Utility Type:
Mileage Increases: West to East	Members Numbered: South to North
Lead Inspector: J. Baird	
Date Approved: 10/01/2015	

[Handwritten signature]

Columbia & Cowlitz Railway - Patriot Woods Railroad

(2015) Detailed Inspection



Bridge 8.50

Location

Town/Station: Kelso

State: WA

Latitude: N 46 11.891

Longitude: W 122 52.77

Access: R

Notes:

Description

Type: Concrete Tub

Deck Type: Ballast

Number of Spans: 7

Number of Tracks: 1

Height: 15'

Length: 380'

Year Constructed:

Feature Crossed: Roadway Ostrander Creek

Bents/Piers/Abutments in Water: 0

Max Water Depth: 6'

Scour Susceptible: Yes

Tangent/Curve: Tangent

Skewed: No

Super Elevation: No

Super Elevation Direction:

Walkway: Yes

GuardRail: No

Utilities Present: No

Utility Type:

Mileage Increases: West to East

Members Numbered: South to North

Lead Inspector: J. Baird

Date Approved: 10/01/2015

J. Baird