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244096
244097

August 11, 2017

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

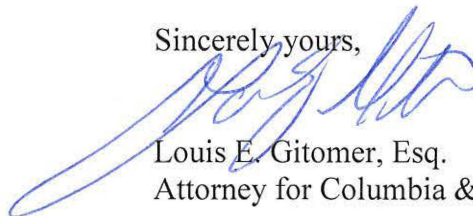
Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for Patriot Woods Railroad, LLC to abandon and Columbia & Cowlitz Railway, LLC to discontinue service over an approximately 21.50-mile rail line between Ostrander Junction, milepost 8.5 and milepost 30, the end of the line, in Cowlitz County, WA. Also enclosed are a check for the filing fee of \$8,000, 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-1243X

PATRIOT WOODS RAILROAD, LLC—ABANDONMENT EXEMPTION—IN COWLITZ
COUNTY, WA

Docket No. AB-1244 (Sub-No. 1X)

COLUMBIA & COWLITZ RAILWAY, LLC—DISCONTINUANCE 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: Patriot Woods Railroad, LLC
and Columbia & Cowlitz Railway, LLC

Dated: August 11, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1243X

PATRIOT WOODS RAILROAD, LLC—ABANDONMENT EXEMPTION—IN COWLITZ
COUNTY, WA

Docket No. AB-1244 (Sub-No. 1X)

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

VERIFIED NOTICE OF EXEMPTION

Patriot Woods Railroad, LLC (“PW”) and Columbia & Cowlitz Railway, LLC (“CLC”)¹ file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for PW to abandon and CLC to discontinue service over an approximately 21.50-mile rail line between Ostrander Junction, milepost 8.5 and milepost 30, the end of the line, in Cowlitz County, WA (the “Line”). No local or overhead rail traffic has moved over the Line during the past two years. There is no overhead traffic on the Line to be rerouted.

¹ Both PW and CLC are Class III rail carriers owned by Patriot Rail Company, LLC. *Tennessee Southern Railroad Company, Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Columbia & Cowlitz Railway, LLC, DeQueen and Eastern Railroad, LLC, Golden Triangle Railroad, LLC, Mississippi & Skuna Valley Railroad, LLC, Patriot Woods Railroad, LLC, and Texas, Oklahoma & Eastern Railroad, LLC*, STB Docket No. FD-35425 (STB served Nov. 12, 2010).

Based on the information in the possession of PW, 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. Patriot Woods Railroad, LLC and Columbia & Cowlitz Railway, LLC.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. PW and CLC are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. PW seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 21.50-mile rail line between milepost 8.5 and milepost 30.0, the end of the line, in Cowlitz County. CLC seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue service over the approximately 21.5-mile rail line between milepost 8.5 and milepost 30.0, the end of the line, in Cowlitz County. There are two stations on the Line, Headquarters at milepost 14.2 and Landfill at milepost 16.2.

(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@lgrailaw.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 98611, 98626, and 98649.

(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.

PW states that it is willing to consider trail use even though it does not own the underlying property. The underlying property is owned by Weyerhaeuser Company.

4. The level of labor protection. When a railroad abandons its entire line, the Board does not normally impose labor protection under 49 U.S.C. § 10502(g), unless the evidence indicates the existence of: (1) a corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See Honey Creek R.R.—Aban. Exemption—in Henry Cnty., Ind.*, AB 865X (STB served Aug. 20, 2004); *Wellsville, Addison & Galeton R.R.—Aban. of Entire Line in Potter & Tioga Cntys., Pa.*, 354 I.C.C. 744 (1978); and

Northampton & Bath R.R.—Aban. Near Northampton & Bath Junction in Northampton Cnty, Pa., 354 I.C.C. 784 (1978). After abandonment, PW's parent company and corporate affiliate will not continue similar operations. Nor will PW's parent company realize substantial financial benefits over and above relief from the burden of its subsidiary railroad. The purpose of this abandonment is to reduce the burden on interstate commerce of an unnecessary expenditure where there is a lack of demand. Moreover, there are no employees on PW.

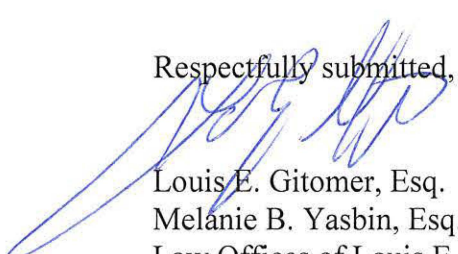
The interests of railroad employees of CLC who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. —Abandonment—Goshen*, 360 I.C.C. 91 (1979).

6. Environmental Report. *See* Exhibit D. Based on information in the possession of PW, 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.

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

Respectfully submitted,



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: Patriot Woods Railroad, LLC
and 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.

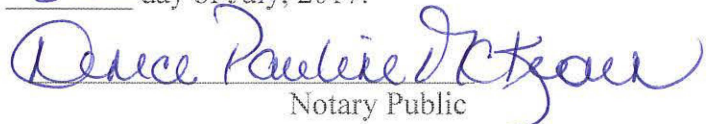
I, Dennis D. Marzec, being duly sworn, depose and state that I am Chief Operating Officer for Columbia & Cowlitz Railway, LLC ("CLC"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated,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

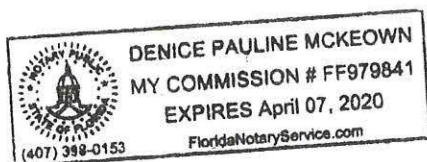
I hereby certify that no local or overhead traffic has moved over the 21.5-mile rail line between milepost 8.5 and milepost 30, the end of the line, in Cowlitz County, WA, for at least two years prior to the date hereof, and that there is no overhead traffic on the line to be rerouted. Further, no formal 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 3rd day of ^{August}~~July~~, 2017.

My Commission Expires: 4/7/2020


Notary Public



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

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

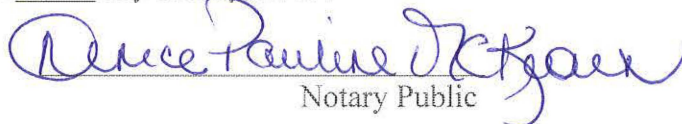
I, Dennis D. Marzec, being duly sworn, depose and state that I am Chief Operating Officer for Patriot Woods Railroad, LLC ("PW"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated,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

I hereby certify that no local or overhead traffic has moved over the 21.5-mile rail line between milepost 8.5 and milepost 30, the end of the line, in Cowlitz County, WA, for at least two years prior to the date hereof, and that there is no overhead traffic on the line to be rerouted. 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 PW 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 3rd day of ^{August} ~~July~~, 2017.

My Commission Expires: 4/7/2020


Notary Public

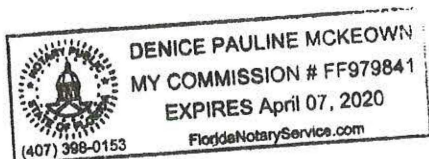


EXHIBIT B

MAP

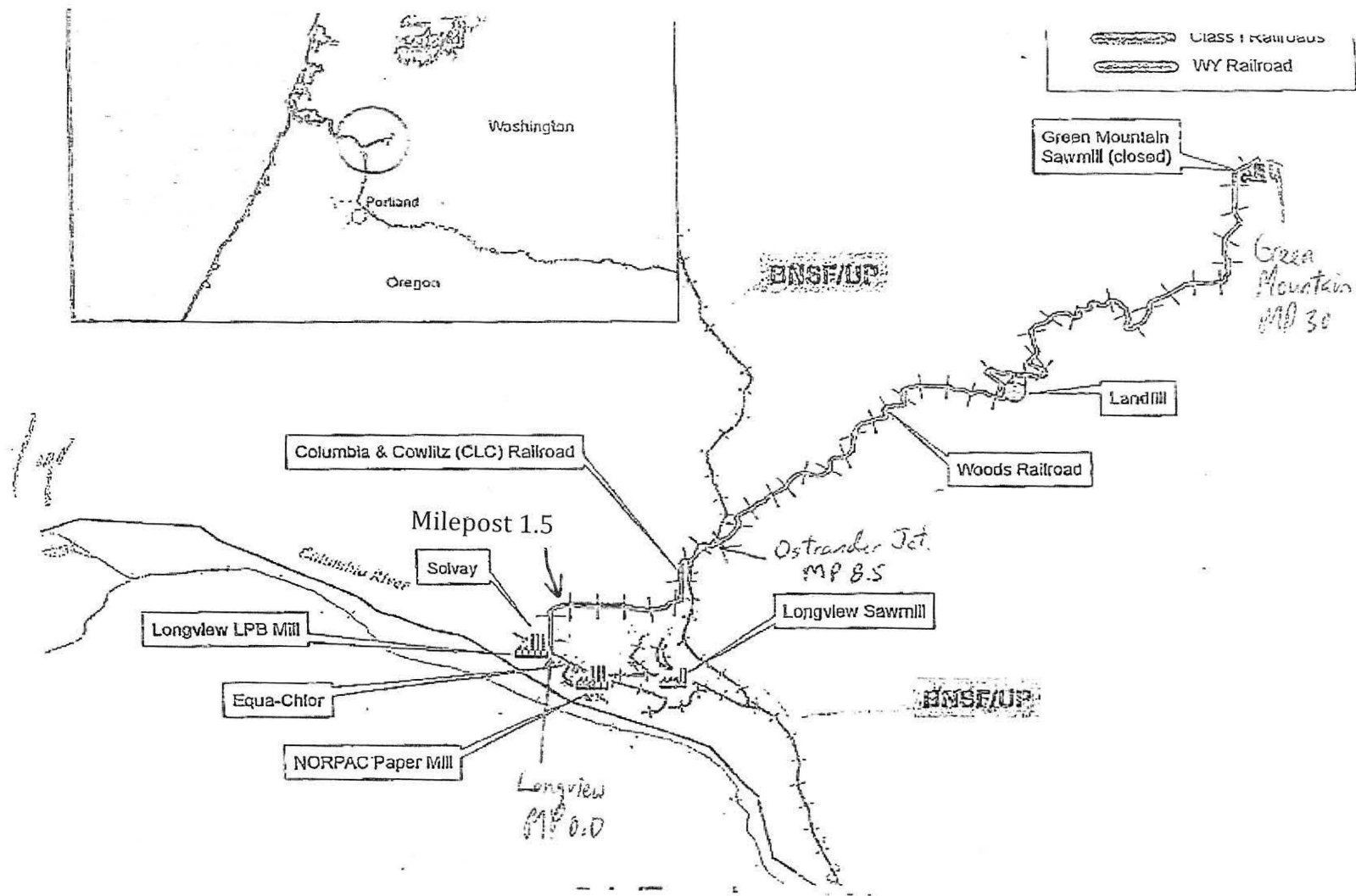


EXHIBIT C

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-1243X and proposed discontinuance of service in Docket No. AB-1244 (Sub-No. 1X) were 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

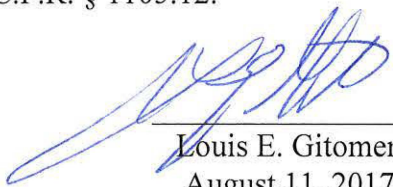
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Louis E. Gitomer
August 11, 2017

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1243X and proposed discontinuance of service in Docket No. AB-1244 (Sub-No. 1X) 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 Exemption

Patriot Woods Railroad, LLC ("PW") and Columbia & Cowlitz Railway, LLC ("CLC") give notice that on or about August 11, 2017, they intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting PW to abandon and CLC to discontinue service over an 21.5-mile rail line between milepost 8.5 and milepost 30, the end of the line, in Cowlitz County, WA, which traverses through United States Postal Service ZIP Codes 98611, 98626, and 98649. These proceedings will be docketed as Nos. AB-1243X and AB-1244 (Sub-No. 1X), respectively.

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, 410-296-2250, email at Melanie@lgraillaw.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 Nos. AB-1243X and AB-1244 (Sub-No. 1X) 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

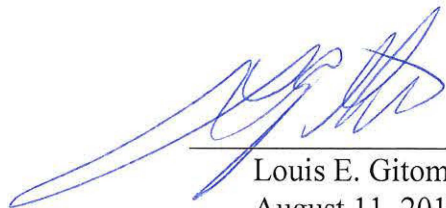
Laura Joss, Regional Director
U.S. National Park Service
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282
Via email: simon.monroe@noaa.gov (June 6, 2016)

Deborah Johnson, Economic Development Planner
Castle Rock Planning
Annex Building at 207 Fourth Avenue N.
Kelso, WA 98628

Commissioner Michael Karnofski
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