

**LAW OFFICES
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GERMANTOWN, MD 20874
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ENTERED
Office of Proceedings
August 26, 2019
Part of
Public Record

**Admitted to Practice
District of Columbia & New Jersey**

**Tel: (908) 361-7097
Fax: (301) 972-5743**

August 26, 2019

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

**Re: STB Finance Docket No. 36341 WRL, LLC dba Rainier Rail – Acquisition and
Operation Exemption – Rail Line in Thurston and Pierce Counties, WA**

Dear Ms. Brown:

Pursuant to the Board's new electronic filing Rules, attached for filing is an original **Verified Notice of Exemption of WRL, LLC dba Rainier Rail** ("Notice") under 49 C.F.R. § 1150.41(a)(3) in the above captioned proceeding. Separately Applicant has submitted the \$2,000 filing fee per 49 C.F.R. § 1002.2(f)(14)(ii) via **pay.gov**. The confirmation number is Pay.gov Tracking ID: 26JO7GTU, Agency Tracking ID: 75824923258.

If there are any questions about this matter, please contact me by telephone at **(908) 361-7097** or by email to **jsavagelaw@aim.com**.

Respectfully submitted,

/s/ James H. M. Savage
[electronically signed]

James H. M. Savage
Counsel for WRL, LLC

FEE RECEIVED
August 26, 2019
SURFACE
TRANSPORTATION BOARD

Enc.

FILED
August 26, 2019
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 36341

**WRL, LLC DBA RAINIER RAIL
—ACQUISITION AND OPERATION EXEMPTION—
RAIL LINE IN THURSTON AND PIERCE COUNTIES, WA**

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 C.F.R. § 1150.41, ET SEQ.

WRL, LLC (“WRL”) dba Rainier Rail, a Washington limited liability company and an existing Class III carrier, hereby files this Verified Notice of Exemption pursuant to 49 U.S.C. § 10902 and the class exemption at 49 C.F.R. § 1150.41, et seq., to acquire from City of Tacoma, Department of Public Works dba Tacoma Rail (“Tacoma Rail”) and operate a 4.4 mile rail line (“the Line”) previously operated by Tacoma Rail.

The Line adjoins a 34.6 mile rail line previously acquired by WRL from Tacoma Rail pursuant to an exemption notice filed with the Board on September 30, 2016 in Finance Docket No. 36074. WRL became the Line’s operator pursuant to an exemption notice filed with the Board on June 30, 2017 in Finance Docker No. 36132.

The Line traverses Thurston and Pierce Counties, WA.

REQUIRED INFORMATION

In support of this Verified Notice of Exemption, WRL submits the following information as required by 49 C.F.R. § 1150.42 – 1150.44:

(a) **Full name and address of applicant:** 49 C.F.R. § 1150.43(a)

WRL, LLC dba Rainier Rail
709 N. 10th Ave.
Walla Walla, WA 99362

(b) **Applicant's Representative: 49 C.F.R. §1150.43(b)**

James H. M. Savage
22 Rockingham Court
Germantown, MD 20874
Tel: (908) 361-7097
Fax: (301) 972-5743
Counsel for WRL, LLC dba Rainier Rail

(c) **Statement Concerning Agreement: 49 C.F.R. §1150.43(c)**

WRL has reached an agreement with Tacoma Rail to acquire and operate the Line upon the exemption effective date as established by the Board.

(d) **Operator of the Property: 49 C.F.R. § 1150.43(d)**

WRL will become the operator of the Line upon the exemption effective date as established by the Board.

(e) **Summary of the Transaction: 49 C.F.R. § 1150.43(e)**

This exemption involves the acquisition and operation by WRL of a rail line previously owned and operated by Tacoma Rail.

(1) The name and address of the railroad transferring the subject property:

City of Tacoma Department of Public Works dba Tacoma Rail
2601 SR 509 North Frontage Road
Tacoma, WA 98421

(2) Proposed time schedule for consummation:

The transaction is expected to be consummated on or about September 10, 2019
(30 days after the filing of the Notice).

(3) Mileposts of the subject property

Between Milepost 33C north of Rainier in Thurston County, WA and Milepost 28.6 near McKenna in Pierce County, WA.

(4) Total route miles being acquired:

Approximately 4.4 miles.

(f) **A map of the area to be served: 49 C.F.R. § 1150.43(f)**

A map is attached as Exhibit A.

(g) **Certification of Revenues: 49 C.F.R. § 1150.43(g)**

Attached as Exhibit B is a certificate affirming the projected annual revenues of WRL from existing operations and new operations as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

(h) **Interchange Commitments: 49 C.F.R. § 1150.43(h)**

The proposed transaction does not involve any provision or agreement that would limit future interchange with a third party connecting carrier.

ENVIRONMENTAL AND HISTORIC IMPACTS

Pursuant to 49 C.F.R. § 1105.6(c)(2)(i), the proposed transaction is exempt from environmental review because the action proposed herein will not exceed any of the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

In addition, the proposed transaction is exempt from historic review under 49 C.F.R. § 1105.8(b)(1), because the action proposed herein is for the purpose of continued rail operations. Further STB approval would be required to abandon any service, and there are no plans to dispose or alter properties subject to STB jurisdiction that are 50 years or older. This action will not significantly affect the quality of the human environment or energy conservation.

CAPTION SUMMARY

A caption summary, as required by 49 C.F.R. § 1150.44, is attached as Exhibit C to this notice.

SHIPPER NOTICE

Pursuant to 49 C.F.R. § 1150.42(b), WRL hereby certifies that there are currently no active shippers on the Line and that, moreover, there have been no shippers on the Line for more than two (2) years. See Exhibit B to this Notice.

Respectfully submitted,

/s/ James H. M. Savage

[electronically signed]

James H. M. Savage
22 Rockingham Court
Germantown, MD 20874
(908) 361-7097 office
(301) 972-5743 fax
jsavagelaw@aim.com
Counsel for WRL, LLC dba Rainier Rail

Dated: August 26, 2019

CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have electronically signed and served this 26th day of August 2019, by electronic mail, a true copy of the Acquisition and Operation Exemption Notice filed by WRL, LLC in STB Finance Docket No. 36341 in the within proceeding upon the following persons:

City of Tacoma Department of Public Works
Alan Matheson
Assistant Superintendent
Tacoma Rail / Tacoma Public Utilities
2601 SR 509 North Frontage Road
Tacoma, WA 98421
alan.matheson@ci.tacoma.wa.us

PREVIOUS OWNER/OPERATOR

/s/ James H. M. Savage

(by electronic signature)

James H. M. Savage

Counsel for WRL, LLC

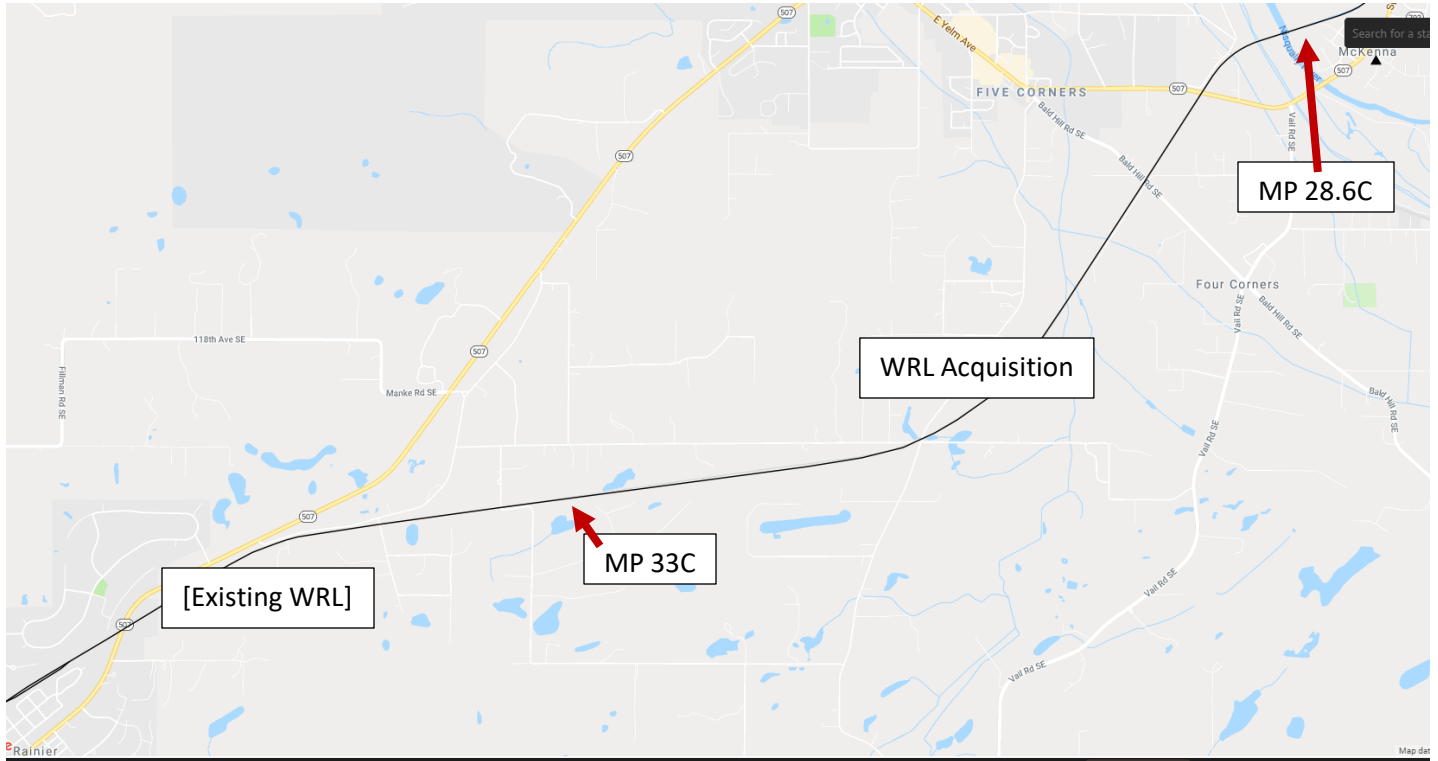
STB Finance Docket No. 36341 **EXHIBIT A – Map of subject Rail Line**

WRL, LLC dba Rainier Rail – Acquisition and Operation Exemption –Rail Line in Thurston and Pierce Counties, WA

WRL purchase from City of Tacoma, WA DPW dba Tacoma Rail

East of Rainier, WA to McKenna, WA.

Rail Line East of MP 28.6C remains operated by Tacoma Rail.



Paul Didelius Aug 12, 2019

NOTICE OF EXEMPTION

STB FINANCE DOCKET NO. 36341

**WRL, LLC DBA RAINIER RAIL
—ACQUISITION AND OPERATION EXEMPTION—
RAIL LINE IN THURSTON AND PIERCE COUNTIES, WA**

WRL, LLC dba Rainier Rail ("WRL"), an existing Class III carrier, has filed a Verified Notice of Exemption, pursuant to 49 C.F.R. Section 1150.41 et seq., to acquire and operate 4.4 miles of railroad (the "Line") between Milepost 33C north of Rainier, Thurston County, WA and Milepost 28.6 near McKenna, Pierce County, WA. The incumbent owner/operator is Tacoma Department of Public Works dba Tacoma Rail. WRL expects to consummate this transaction and commence operation of the Line on or after the effective date of this Notice of Exemption. The proposed transaction does not involve any provision or agreement that would limit future interchange with a third party carrier. Comments must be filed with the Board and served on James H. M. Savage, Esq. 22 Rockingham Court, Germantown, MD 20874, (908) 361-7097.

This Notice is filed under 49 C.F.R. § 1150.41, et seq. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: _____

By the Board

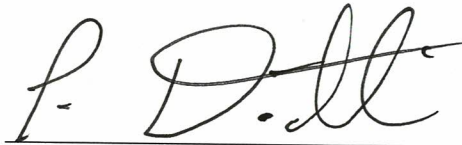
Exhibit B

CERTIFICATION

I, Paul Didelius, owner of WRL, LLC do hereby certify the following to be true and correct to the best of my knowledge and information:

1. That WRL, LLC's projected annual revenues will not as a consequence of this transaction result in WRL, LLC becoming a Class II or Class I rail carrier, and that WRL, LLC's projected annual revenue for the lines to be operated pursuant to this notice, combined with WRL, LLC's projected annual revenue from other operations, do not exceed \$5 million dollars; and

2. That the Line to be acquired and operated by WRL does not currently have active shippers; nor have there been any shipments over the Line for the preceding two (2) years.

A handwritten signature in black ink, appearing to read 'P. Didelius', written over a horizontal line.

Paul Didelius
Owner, WRL, LLC

Dated: August 12, 2019