



Board of Commissioners

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June 20, 2016

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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

Thank you for the providing Cowlitz County the opportunity to comment on the above referenced proposals. Cowlitz County has reviewed the combined Environmental and Historic Report that is to provide the basis for an independent environmental analysis. Based on the combined Report, the County offers the following comments and would ask that they be reflected in the record.

- Proposed Action and Alternative:
 - In addition to removal of the track at the roadway crossings all other infrastructure should be removed including but not limited to all signs and crossing arms.
- Land Use:
 - *(i) indicates consultation with local and/or regional planning agencies and /or a review of the official planning documents prepared by such agencies, state where the proposed action is consistent with land use plans. Describe any inconsistencies.*
 - Cowlitz County was not consulted for the Report. The Report states, PW (Patriot Woods) “considers the proposed abandonment to be consistent with existing land use plans. The surrounding area is rural in nature.” This is a generalized statement about perceived land use compatibility and does not indicate any consistency or inconsistency with our Comp Plan.
 - The maps included with the Report are insufficient to identify the actual location of the rail
 - (i) Public Works is concerned about the potential for debris plugging of the culverts. Without inspection of the culverts and periodic clearing as debris is deposited, there is a potential for the culverts to plug and cause flooding upstream. This could impact public right of ways and private property.
 - *(iv) if the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 USC 10905 and explain why.*

- The Report states, “PW does not own the underlying property and does not believe the Line would be suitable for an interim trail use/rail banking.”
- 49 USC 10905 states: §10905. Offering abandoned rail properties for sale for public purposes
 - “When the Board approves an application to abandon or discontinue under section 10903, the Board shall find whether the rail properties that are involved in the proposed abandonment or discontinuance are appropriate for use for public purposes, including highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the Board finds that the rail properties proposed to be abandoned are appropriate for public purposes and not required for continued rail operations, the properties may be sold, leased, exchanged, or otherwise disposed of only under conditions provided in the order of the Board. The conditions may include a prohibition on any such disposal for a period of not more than 180 days after the effective date of the order, unless the properties have first been offered, on reasonable terms, for sale for public purposes.”
- Drainage Improvement District #1 was not consulted, comments from their engineer are included here: a portion of the right of way also includes an easement for and serves as the levee for Drainage Improvement District No. 1. This portion of the right of way will need to be maintained to meet the USACE standards. Drainage Improvement District No. 1 was not included in the distribution.

- Safety:

- (i) *The proposed abandonment will have no detrimental effects on public health or safety.*
 - The bridges, although they are potential historic structures, without proper maintenance may pose future safety risks. Without maintenance the bridge structures could deteriorate and pose a risk to the roadway below. In addition, the bridges crossing County roadways that are classified as arterials and collectors, currently limit vehicle height and restrict the width of the roadway. These restrictions reduce safety by creating potential collisions into the bridge structure or other vehicles and the introduction of bicycle and pedestrian traffic into the traveled way. The crossings over County arterials and collectors include Nevada Drive, Alpha Drive, Beacon Hill Drive and North Pacific Avenue.
 - Concerning the slope above N Pacific Avenue. The steep slope above the railway that parallels N Pacific Avenue is a known landslide area. Without proper maintenance and emergency response, this area has the potential to negatively impact the travelling public on N Pacific Avenue. In December 2015, there was a slide onto the tracks and the roadway below which needed to be closed to the public until the debris could be cleared. Maintenance of the area should continue to prevent future debris slides onto the roadway.
 - There is a section of the railway from the Guier Road crossing to the access road northeast of the rail crossing of Ostrander Road that Public Works is interested in obtaining the right to use as an alternate route for traffic when flooding closes Ostrander Road.

- Historic Report:

- The Report indicates as outlined below that there are 5 bridges and 1 tunnel of “unknown” age on the line that was constructed in 1928. No plan for archeological work is planned. No listing of structures is planned. The County may want to indicate that these structures may be of historic significance and that more research is required. The information included in the Historic Report is not of a comprehensive nature to allow determination of historical and cultural significance.
 - Historic Report, #1:
 - *A USGS 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.

- The Report states, [USGS] maps have been supplied to the Washington Department of Archeology and Historic Preservation. See Exhibit 3.
 - The map included in exhibit 3 does not identify the location of structures and is in adequate for detailing the impact of the proposed action.
- Historic Report, #3:
 - *Good quality photographs of railroad structures on the property that are 50 years old or older.*
 - The Report indicates that there are five bridges and one tunnel on the line
- Historic Report, #4:
 - *The dates of construction of the structures and the date and extent of any major alterations, to the extent such information is known.*
 - Report states that dates of construction are not known and provides no further information.
- Historic Report #5:
 - A brief narrative history of carrier operations in the area . . .
 - The Report indicates that the line was constructed in 1928

In addition to the above comments, Cowlitz County intends to file with a Notice of Interim Trail Use, together with a “Statement of Willingness to Assume Financial Responsibility” and a request to establish a Public Use Condition or ‘PUC’ in accordance with 49 CFR 1152.29.

Sincerely,

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


Michael A. Karnofski, Chairman


Dennis P. Weber, Commissioner


Joe Gardner, Commissioner

cc: Commissioners' Record