

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-1316X**

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**GNP RLY, INC. – ABANDONMENT EXEMPTION –  
IN KING COUNTY, WASHINGTON**

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**SECOND VERIFIED STATEMENT OF BRANDON BUCHANAN  
IN SUPPORT OF GNP RLY, INC.  
VERIFIED NOTICE OF EXEMPTION**

I, Brandon Buchanan, do swear and affirm the following to the best of my personal knowledge:

1. I am the City Manager of Woodinville, Washington (“the City”), and have served in that position since March 1, 2016.
2. On May 6, 2022 the City filed in this docket my verified statement in which I assured the Board that the City and GNP RLY, Inc. (“GNP”) are committed to railbanking the Woodinville Segment when authorized by the Board to do so, as provided in the railbanking statute. I declared that the City was working to secure public funding to complete various public works projects within the rail corridor, and explained that delays in the railbanking process would jeopardize Woodinville’s ability to secure funding for these important public works.
3. In the nine months since the City filed my verified statement the City has received notice of the award of a U.S. Department of Transportation grant for a critical traffic and

pedestrian safety project funded under the 2023 Consolidated Appropriations Act, with sponsorship from Woodinville's congressional representative, Rep. Suzan DelBene. In addition, the City will imminently file an application for a federal RAISE grant for planning and design of trail improvements to the rail corridor. The availability of these funds depends on the ability of the City to timely begin utilizing the funds for their intended purpose. Design of said trail improvements cannot commence until railbanking is achieved. Further delay in disposition of GNP's notice of exemption to abandon or railbank the corridor jeopardizes the ability of the City to utilize already secured federal funding and to secure additional significant and necessary funding for these important public works.

4. Exhibit A to this statement is a true and correct copy of the Order Granting Plaintiff GNP's Motion For Summary Judgment Re: Named Defendants Except Snohomish County, filed on January 26, 2023 in Snohomish County Superior Court, under Cause No. 21-2-03931-31.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2023.

A handwritten signature in black ink, appearing to be 'BB' with a stylized flourish extending to the right.

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Brandon Buchanan

118511946.1 0064892-00001

# **EXHIBIT A**

FILED

2023 JAN 26 PM 4:46

HEIDI PERCY  
COUNTY CLERK  
SNOHOMISH CO. WASH

21-2-03931-31  
ORGSJ 81  
Order Granting Summary Judgment  
13847841



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR SNOHOMISH COUNTY

GNP RLY, INC., et al,

Plaintiff/Petitioner,

vs.

SNOHOMISH COUNTY, et al.,

Defendant/Respondent.

No. 21-2-03931-31

~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF GNP'S MOTION FOR  
SUMMARY JUDGMENT RE:  
NAMED DEFENDANT'S EXCEPT  
SNOHOMISH COUNTY

This matter came before the Court on Plaintiff GNP's Motion for Summary Judgment adjudging that Defendants Douglas Engle, Eastside Community Rail, LLC, Earl Engle, Joanne Skievaski, Telegraph Hill Investments, LLC, and Ballard Terminal Railroad Company, LLC, do not have any legal interest in or title to the exclusive freight rail easement that is subject of this suit.

The Court considered the pleadings filed in this action, including the following:

1. Plaintiff's Motion for Summary Judgment;
2. Declaration of David Rossmiller in Support of Plaintiff's Motion for Summary Judgment (including attached exhibits);
3. Declaration of Joanne Skievaski;
4. Snohomish County's Response to Plaintiff's Motion for Summary Judgment;

5. Declaration of Sean Reay in Support of Snohomish County's Response to Plaintiff's Motion for Summary Judgment (including attached exhibits);

*and Declaration of Sean Reay to correct errors*

~~6. Response of Douglas Engle, ECR, Earle Engle, Joann Skievaski, Telegraph Hill Investments, or Ballard Terminal Rail Corporation, if any;~~

*6. Reply in support of Plaintiff's Motion for Summary Judgment;*

*7. Declaration of David Rossmiller in support of Reply*

*8. Defendant Douglas Engle, ECR, Earle Engle, Joann Skievaski, Telegraph Hill Investments*

Based on the pleadings and the exhibits provided therewith, the oral arguments of

*Agreement*

counsel for Plaintiffs and the County, and the papers on record in this cause, the Court finds:

1. The Court has previously ordered that it is taken as established for purposes of this action that defendants Eastside Community Rail, LLC ("ECR") and Douglas Engle each possesses no legal interest in the exclusive freight rail easement (also "Easement") and are barred from presenting contrary evidence. Orders and rulings of the federal Surface Transportation Board ("STB") have similarly stripped ECR and Douglas Engle of legal authorization to own or operate under the Easement. Each of the above is an independently sufficient basis for summary judgment. There is no genuine issue of material fact as to ECR's and Douglas Engle's lack of legal interest in the Easement.

2. The Court has previously ordered that defendant Earl Engle is in default. The same orders and rulings of the STB stripping ECR and Douglas Engle of legal authorization to own or operate under the Easement apply to Earl Engle. Each of the above is an independently sufficient basis for summary judgment. There is no genuine issue of material fact as to his lack of legal interest in the Easement.

*Ⓢ Because of the Plaintiff and County's agreement to enter this order, the Court did not hear oral argument.*

*Investments  
OR  
Ballard  
Terminal  
Rail Corp.  
DID NOT  
file any  
response/  
opposition  
to Plaintiff's  
Motion.*

1           3.     The Court has previously ordered that Defendant Joanne Skievaski is in  
2 default. Further, Joanne Skievaski has executed a declaration disclaiming any interest in  
3 the Easement. The same orders and rulings of the STB stripping ECR and Douglas Engle  
4 of legal authorization to own or operate under the Easement apply to Joanne Skievaski.  
5 Each of the above is an independently sufficient basis for summary judgment. There is no  
6 genuine issue of material fact as to her lack of legal interest in the Easement.  
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8           4.     The Court has previously ordered that Defendant Telegraph Hill  
9 Investments, LLC is in default. The same orders and rulings of the STB stripping ECR and  
10 Douglas Engle of legal authorization to own or operate under the Easement apply to  
11 Telegraph Hill Investments, LLC. Each of the above is an independently sufficient basis  
12 for summary judgment. There is no genuine issue of material fact as to Telegraph Hill  
13 Investments, LLC's lack of legal interest in the Easement.  
14

15           5.     Ballard Terminal Railroad Company, LLC has executed a declaration  
16 disclaiming any interest in the Easement. The same orders and rulings of the STB stripping  
17 ECR and Douglas Engle of legal authorization to own or operate under the Easement apply  
18 to Ballard Terminal Rail Company (as explicitly recognized in a separate ruling of the STB  
19 regarding BTRC). Each of the above is an independently sufficient basis for summary  
20 judgment. There is no genuine issue of material fact as to their lack of legal interest in the  
21 Easement.  
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23           6.     That judgment should be entered against ECR and Douglas Engle in favor  
24 of GNP in the amount of at least \$86,000.00 reflecting GNP's actual reasonable attorney's  
25 fees and costs incurred in relation to its successful motion to compel discovery responses,  
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1 and in relation to its successful motion for contempt order and the instant summary  
2 judgment motion.

3 7. Plaintiff GNP's Motion seeks no relief as to defendant and counter-claimant  
4 plaintiff Snohomish County, and the Court does not make any finding regarding any  
5 interest in the exclusive freight rail easement as between the County and Plaintiffs, such  
6 claims and interests as between Plaintiffs and the County remaining to be adjudicated;  
7

8 Based upon the above findings, IT IS HEREBY ORDERED:

- 9 1. The Court grants summary judgment pursuant to CR 56 that  
10 defendants Douglas Engle; Eastside Community Rail, LLC; Telegraph Hill  
11 Investments, LLC; Ballard Terminal Railroad Company, LLC; Joanne  
12 Skievaski; and Earl Engle do not own or otherwise possess any legal interest in  
13 the exclusive freight rail easement that is subject of this suit.  
14  
15 2. The Court does not make any determination with respect to the rights in the  
16 Easement as to and between Plaintiffs and Snohomish County.  
17  
18 3. Judgment is entered against ECR and Douglas Engle in favor of GNP in the  
19 amount of at least \$86,000.00.

20 4.

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1 DATED this 26<sup>th</sup> day of January, 2023.

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3   
4 THE HON. KAREN D. MOORE

5  
6 PRESENTED BY:

7  
8 By: \_\_\_\_\_  
9 Sean D. Reay, WSBA #33622  
10 Deputy Prosecuting Attorney  
11 Attorney for Defendant Snohomish County

12 By: \_\_\_\_\_  
13 Elizabeth Hebel, WSBA #56708  
14 Attorney for Plaintiff GNP  
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## CERTIFICATE OF SERVICE

I certify that on February 17, 2023 I served by email an e-filed copy of the foregoing document upon all parties of record in this proceeding as listed below per the STB service list.

Charles H. Montange  
426 NW 162<sup>nd</sup> Street  
Seattle, WA 98177  
Tel: (206) 546-1037

Email: [c.montange@frontier.com](mailto:c.montange@frontier.com)

*Attorney for Snohomish County*

DATED: February 17, 2023

*s/ Michele Brandon*

Michele Brandon, Practice Assistant  
Stoel Rives LLP