

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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August 6, 2020
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Public Record

Finance Docket No. 35692

**EASTSIDE COMMUNITY RAIL, LLC-ACQUISITION AND
OPERATION EXEMPTION - GNP RLY, INC
(Woodinville Subdivision, MP 23.8 to MP 38.25)**

Finance Docket No. 35730

**BALLARD TERMINAL RAILROAD COMPANY, LLC - LEASE
EXEMPTION -
EASTSIDE COMMUNITY RAIL, LLC
(Woodinville Subdivision, MP 23.8 to MP 38.25)**

**CITY OF WOODINVILLE, WASHINGTON -
MOTION FOR LEAVE TO FILE A REPLY TO EASTSIDE COMMUNITY RAIL
COMMENTS OPPOSING REVOCATION OF EXEMPTIONS**

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The City of Woodinville, Washington respectfully seeks leave to file a reply to the comments filed by Eastside Community Rail (ECR) on July 30, opposing Snohomish County’s petition to revoke ECR’s acquisition exemption.¹ The Board’s July 10 order invited comments only from parties who had not submitted a filing since the Court of Appeals remand.² ECR’s comments, however, present factual contentions and arguments

¹ Post-Remand Comments of Eastside Community Rail L.L.C., FD 35692 and FD 35730, (filed July 30, 2020) (hereafter “ECR July 30 Comments”).

² *Eastside Community Rail, LLC – Acquisition and Operation Exemption – GNP Rly Inc.*, FD 35692 and FD 35730 (STB served July 10, 2020).

not offered by ECR in its two prior submittals opposing the Snohomish petition.³

Woodinville would welcome the chance to respond to ECR's new contentions. The City's short reply will not delay the proceedings or otherwise prejudice the parties or burden the Board.

August 6, 2020

Respectfully Submitted,

/s/Matthew Cohen

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³ ECR previously maintained that ECR acquired from GNP Railway's bankruptcy estate the property rights required for ECR and its lessee Ballard Terminal Railroad to provide rail service on the line between Woodinville and Snohomish, WA. Now ECR contends that even if ECR's 2012 Notice of Exemption neglected to mention GNP's conveyance of the Freight Easement to Mr. Engle's wife and father, that omission is not "materially misleading . . ." ECR July 30 Comments at 2. ECR also mentions for the first time a plan to sell the Freight Easement, and to terminate ECR. Letter of July 29 from Douglas Engle to Surface Transportation Board, attachment to ECR July 30 Comments.

CERTIFICATE OF SERVICE

I certify that on August 6, 2020 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.

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DATED: August 6, 2020.

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