

BEFORE THE
SURFACE TRANSPORTATION BOARD

PORTLAND VANCOUVER JUNCTION RAILROAD, LLC--OPERATION--
RAIL LINES OF COLUMBIA BUSINESS CENTER, CLARK COUNTY, 243909
WASHINGTON

FINANCE DOCKET NO. 36134

NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.41

ENTERED
Office of Proceedings
July 5, 2017
Part of
Public Record

Pursuant to 49 C.F.R. § 1150.41(b), Portland Vancouver Junction Railroad, LLC, a common carrier by rail, hereby provides notice of its class exemption from 49 U.S.C. § 10902 for its operation of lines of railroad as a common carrier by railroad, pursuant to an Agreement with FC Service LLC, Agent for Columbia Business Center, which owns the rail properties as a non-rail carrier. The lines, which consist of approximately 3 miles of tracks, are located within a business park in Clark County, Washington. There are no mileposts. The lines interconnect with the lines of BNSF.

BACKGROUND

This notice is intended to address recurring problems, involving demurrage charges and other operational matters related to interchange with BNSF, that have previously been brought to the Board's attention. To avoid further problems, Columbia Business Center, pursuant to an Agreement signed by its Agent, FC Services, Inc., also a non-carrier, has entered into an

Agreement with Portland Vancouver Junction Railroad, LLC, which is a Class III rail common carrier, to provide common carrier railroad services. To avoid any interruption of essential rail service and to ensure continuity of service, the Agreement is scheduled to commence on August 1, 2017. As a result, Portland Vancouver Junction Railroad, respectfully requests the Board to permit consummation of the Agreement on July 31, 2017.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.43

(a) The full name and address of the Class III rail carrier applicant:

Applicant is Portland Vancouver Junction Railroad, LLC. 14205 SE 36th St. Suite 100, Bellevue, WA 98006.

(b) The name, address, and telephone number of the representatives of the applicant who should receive correspondence:

Applicant's attorney is Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016, (202) 363-2011.

(c) A statement that an agreement has been reached or details about when an agreement has been reached:

An Agreement for Rail Switching Services as a common carrier by rail has been reached. The term of the Agreement is currently scheduled to commence on August 1, 2017.

(d) The operator of the property:

Portland Vancouver Junction Railroad, LLC will operate the lines following the consummation of the transaction.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the non-railroad transferring the subject property to the Class III rail carrier applicant:

The entity that is transferring operational authority over the lines is FC Services LLC, as Agent for Columbia Business Center. Its address is 705 SE Victory Avenue, Suite 108, Vancouver, WA 98661.

(2) The proposed time schedule for consummation of the transaction:

Consummation of the transaction is scheduled for August 1, 2017. As noted above, expedited consideration is requested.

(3) The mileposts of the subject property, including any branch lines:

There are no Milepost Numbers.

(4) The total route miles being acquired.

Approximately 3 miles or rail lines are involved.

(f) A map that clearly indicates the area to be service, including origins, termini, stations, cities, counties, and states:

The required map is attached to this Notice as Appendix 1. The tracks are located in Clark County, Washington.

(g) A certificate that applicant's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under Sec. 1150.45.

The required certificate is contained in the Verification of Mr. Eric Temple, President of Portland Vancouver Junction Railroad, LLC, which is attached to this Notice as Appendix 2.

(h) Interchange Commitments. (1) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means ("interchange commitment").

The proposed acquisition and operation of the Rail Lines do not involve any provision or agreement that may limit future interchange commitments.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.44 is attached to this Notice as Appendix 3.

ENVIRONMENTAL AND HISTORIC MATTERS

By virtue of 49 C.F.R. § 1105.6(c)(1), no environmental assessment is required in conjunction with the proposed acquisition and operation. Also, by virtue of 49 C.F.R. § 1105.8(b)(1), no historic reporting is required.

LABOR PROTECTION

By virtue of 49 U.S.C. § 10902, no labor protection conditions are to be imposed in conjunction with this Notice.

ANNUAL REVENUES

The certificate required by 49 C.F.R. § 1150.43(g), confirming that Portland Vancouver Junction Railroad, LLC's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under 49 C.F.R. § 1150.45), is contained in Appendix 2 attached to this Notice.

VERIFICATION

A general verification of all factual assertions in this Notice is contained in Appendix 2.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, within 16 days after the filing of this Notice, the Director of the Board's Office of Proceedings should arrange for publication of notice of the filing of this Notice in the Federal Register.

Respectfully submitted,

Portland Vancouver Junction Railroad , LLC
Applicant

/s/ Richard H. Streeter

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Attorney for Applicant

Dated: July 5, 2017

APPENDIX 1

MAP

CBCX TERRITORY MAP

Updated April 2014

Note -- The Northwest Rail Institute locomotive operates in zone 3. The Derail near Columbia Way in Zone 3 should be closed and secured when the NWRI locomotive is operating.

Isophy Switch

23-S4

22-S4

22-S3

22-S1

22-S2

23-S3

23-S2

23-S1

21-S6

21-S7

21-S5

21-S4

21-S3

BNSF Switch

21-S2

BNSF Switch

21-S1

44

42

54

APPENDIX 2

VERIFICATION

VERIFICATION

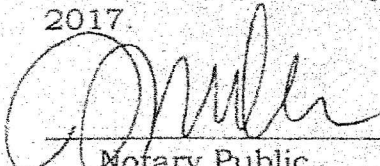
STATE OF WASHINGTON)
) ss:
COUNTY OF KING)

Eric Temple, being duly sworn, states that he is President of the Portland Vancouver Junction Railroad; that he has read the foregoing Notice of Exemption under 49 C.F.R. § 1150.41; that the projected revenues of Portland Vancouver Junction Railroad would not exceed those that would qualify it as a Class III rail carrier; that the projected annual revenue of the Portland Vancouver Junction Railroad will not exceed \$5 million; and that all other facts set forth in the Notice of Exemption are true and correct.

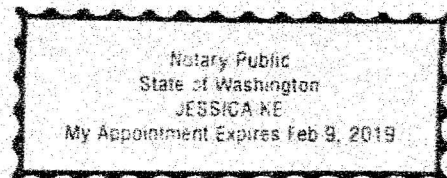


ERIC TEMPLE

SUBSCRIBED and SWORN to
Before me this 5th day of July,
2017.



Notary Public



My Commission Expires: 02/09/2019

CAPTION SUMMARY
SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Finance Docket No. 36134

PORTLAND VANCOUVER JUNCTION RAILROAD, LLC--OPERATION--
RAIL LINES OF COLUMBIA BUSINESS CENTER, CLARK COUNTY,
WASHINGTON

Portland Vancouver Junction Railroad, LLC has filed a Notice of Exemption to operate approximately 3 miles of rail lines, which have no milepost numbers, on behalf of Columbia Business Center, a non-carrier, pursuant to an Agreement with FC Service LLC, Agent for Columbia Business Center, also a non-carrier. The lines are located in Vancouver, Washington. Comments must be filed with the Board and served on Portland Vancouver Junction Railroad, LLC's representative, Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016, telephone 202-363-2011.

The 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.

By the Board