



Surface Transportation Board
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Meeting under Section 5, STB Reauthorization Act

June 7, 2019

Present: Members Begeman, Fuchs, and Oberman
Staff Nathaniel Bawcombe, Kathryn Bourdon, Rachel Campbell, Allison Davis, Amanda Gorski, Ted Hunt, Craig Keats, Elizabeth McGrath, Lisa Novins, Valerie Quinn, Scott Zimmerman

Topic: No. AB-1270, Port of Benton, WA Application for Adverse Discontinuance of Rail Service Tri-City Railroad, LLC; NOR 42163, Tri-City Railway Company, LLC v. City of Richland, WA, et al.

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on pleadings filed by the Port of Benton, Tri-City Railroad, BNSF Railway, and the Cities of Richland and Kennewick, WA, in these related proceedings. In the abandonment docket, the Port of Benton, which owns the rail line at issue, seeks adverse discontinuance of Tri-City's operating authorization. In the NOR proceeding, Tri-City asks the Board to issue a preliminary injunction to prohibit the Cities from continuing to pursue a condemnation action in state court, based upon a prior Board declaratory order regarding preemption.

Staff and Board Members discussed the following issues:

1. History of the rail operating rights and prior litigation.
2. Current court litigation involving the matters.
3. Background of adverse discontinuance policies.
4. Possible options for resolution of the matters.