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FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

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SURFACE
TRANSPORTATION BOARD



February 13, 2004

BY HAND DELIVERY

The Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

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FEB 13 2004
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

FEB 13 2004

Part of
Public Record

Re: STB Finance Docket No. 34472, Columbia Basin Railroad Company, Inc.
--Operation Exemption--Clark County, WA

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding is an original and 10 copies of the verified notice of exemption pursuant to 49 C.F.R. § 1150.41. Attached is a check in the amount of \$1,400 to cover the filing fee for this verified notice of exemption.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Sincerely,

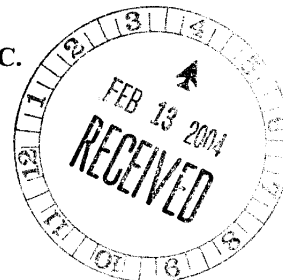
Rose-Michele Weinryb

210075

**COLUMBIA BASIN RAILROAD COMPANY, INC.
--OPERATION EXEMPTION--
CLARK COUNTY, WA**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41**

STB FINANCE DOCKET NO. 34472



Applicant's name and current mailing address:

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Columbia Basin Railroad Company, Inc.
111 South 33rd Street, Suite 200
Yakima, WA 98901

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TRANSPORTATION BOARD** ENTERED
Office of Proceedings

FEB 13 2004

Applicant's representative to receive correspondence:

Rose-Michele Weinryb, Esq.
Weiner Brodsky Sidman Kider PC
1300 19th Street, 5th Floor
Washington, D.C. 20036
(202) 628-2000

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**SURFACE
TRANSPORTATION BOARD**

Information concerning the agreement:

Columbia Basin Railroad Company, Inc. ("CBRC"), a class III rail carrier, expects to enter into a lease agreement (the "Lease") with Clark County, WA, a municipal corporation (the "County"). Pursuant to the Lease, CBRC will conduct freight operations over certain rail property located in Clark County, WA.

Operator of the property:

CBRC will operate over the Subject Line (as described below) pursuant to the Lease.¹

¹ Lewis & Clark Railway Company previously operated over the Subject Line pursuant to a lease that expired by its terms on January 31, 2004. See Finance Docket No. 31042, *Lewis & Clark Railway Company – Exemption Operation – Chelatchie Prairie Railroad, Inc.*, 1987 ICC LEXIS 300, May 14, 1987; Finance Docket No. 33325, *Lewis & Clark Railway Company – Lease and Operation Exemption – in Clark County, WA*, 1997 STB LEXIS 2481, January 8, 1997. The County has notified Lewis & Clark Railway Company, by letter dated January 30, 2003, that CBRC will be the new operator of the Subject Line.

Brief summary of the proposed transaction:

The Board of Commissioners of the County is located at 1300 Franklin Street, Vancouver, WA 98660. CBRC and the County expect to consummate the Lease on or after February 20, 2004. The Subject Line totals approximately 14 miles of rail line and extends from milepost 0.0 at Vancouver Junction, WA to milepost 14.1 at Battle Ground, WA.

Map

A map of the Subject Line is attached hereto as Exhibit A.

Environmental Issues

Environmental documentation normally need not be prepared for rail operations that do not involve the diversion from rail to motor carriage of more than (A) 1,000 rail carloads a year, or (B) an average of 50 rail carloads per mile per year for any part of the affected line (49 C.F.R. § 1105.7(e)(4)), on the one hand, or that do not involve (A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment (49 C.F.R. § 1105.7(e)(5)), on the other hand. *See* 49 C.F.R. § 1105.6(c)(2).

The freight operations by CBRC over the Subject Line will not result in changes in carrier operations that exceed the above-listed thresholds, nor will the operations have the "potential for significant environmental impacts." Therefore, no environmental documentation is required for this Verified Notice of Exemption.

Transactions involving a sale, lease or transfer of a rail line for the purpose of continued rail operations are exempt from the historic report requirements of 49 C.F.R. § 1105.8(a) if termination of such operations requires further approval by the Surface Transportation Board (the "Board") and there are no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. *See* 49 C.F.R. § 1105.8(b)(1).

Common carrier service on the Subject Line will be continued. CBRC has no plans to dispose of or alter properties subject to Board jurisdiction that are 50 or more years old.

Certificate of projected revenue:

In accordance with 49 C.F.R. § 1150.43(g), a certificate concerning CBRC's projected revenue is attached as Exhibit B.

Labor Notice:

No labor notice pursuant to 49 C.F.R. §1150.41(e) is required, because the projected annual revenue of the Subject Line, together with CBRC's projected annual revenue, does not exceed \$5 million.

Respectfully submitted,



Rose-Michele Weinryb
Weiner Brodsky Sidman Kider PC
Fifth Floor
1300 19th Street, NW
Washington, D.C. 20036

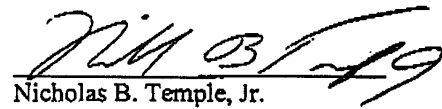
Attorneys for:

Columbia Basin Railroad Company, Inc.

Dated: February 13, 2004

VERIFICATION

I, Nicholas B. Temple, Jr., certify under penalty of perjury that the foregoing notice of exemption is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed.


Nicholas B. Temple, Jr.

Dated: February 13, 2004

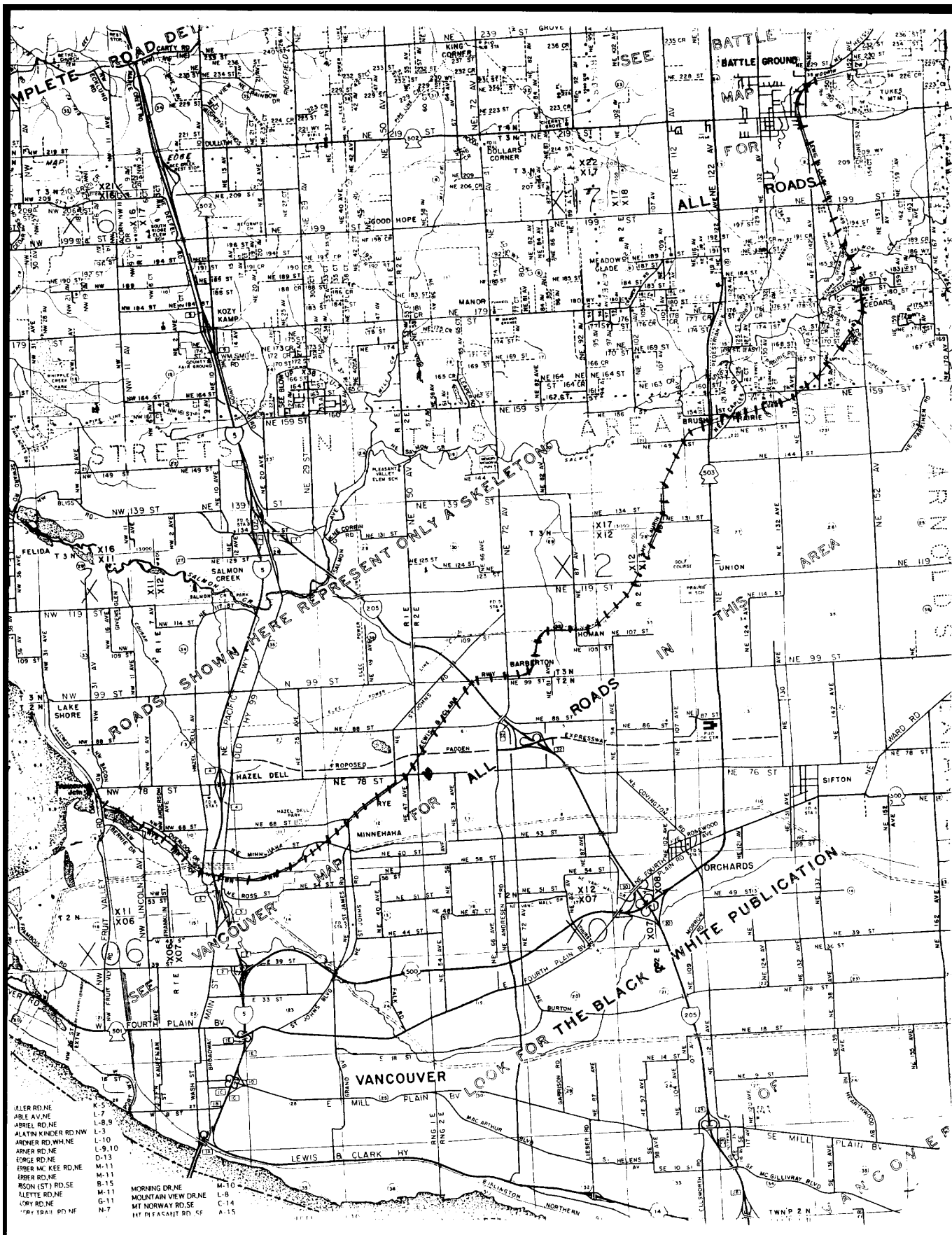
**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41**

STB Finance Docket No. 34472

**COLUMBIA BASIN RAILROAD COMPANY, INC.
--OPERATION EXEMPTION--
CLARK COUNTY, WA**

EXHIBIT A

MAP OF SUBJECT LINE



ALDER RD NE
ABLE AV NE
ABRIEL RD NE
ALATIN KINDER RD NW
ANDER RD NW NE
ANDER RD NE
EDGER RD NE
EDGER MC KEE RD NE
EDGER RD NE
RISON (ST) RD SE
KLETTE RD NE
LORY RD NE
LORY TRAIN RD NE

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MORNING DR NE
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MT PLEASANT RD SE

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**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41**

STB Finance Docket No. 34472

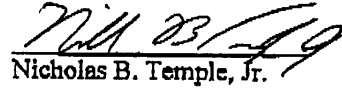
**COLUMBIA BASIN RAILROAD COMPANY, INC.
--OPERATION EXEMPTION--
CLARK COUNTY, WA**

EXHIBIT B

CERTIFICATE OF REVENUE

CERTIFICATE OF REVENUE

In accordance with 49 C.F.R. § 1150.43(g), I do hereby certify that the revenues projected for as a result of this transaction will not result in the creation of a class II or class I rail carrier.


Nicholas B. Temple, Jr.

Dated: Feb 13, 2004

SURFACE TRANSPORTATION BOARD

VERIFIED NOTICE OF EXEMPTION

STB FINANCE DOCKET NO. 34472

**COLUMBIA BASIN RAILROAD COMPANY, INC.
--OPERATION EXEMPTION--
CLARK COUNTY, WA**

Columbia Basin Railroad Company, Inc. ("CBRC"), a class III rail carrier, has filed a notice of exemption under 49 C.F.R. § 1150.41 to operate approximately 14 miles of rail line owned by Clark County, WA (the "Subject Line"). The Subject Line extends from milepost 0.0 at Vancouver Junction, WA to milepost 14.1 at Battle Ground.¹

Comments must be filed with the Surface Transportation Board, Office of the Secretary, 1925 K Street, N.W., Washington, D.C. 20423-0001 and served on Rose-Michele Weinryb, Esq., Weiner Brodsky Sidman Kider PC, 1300 19th Street, NW, Fifth Floor, Washington, D.C. 20036.

This notice is filed under 49 C.F.R. § 1150.41. If the notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.

Decided:

By the Board,

¹ Lewis & Clark Railway Company previously operated over the Subject Line pursuant to a lease that expired by its terms on January 31, 2004. See Finance Docket No. 31042, *Lewis & Clark Railway Company – Exemption Operation – Chelatchie Prairie Railroad, Inc.*, 1987 ICC LEXIS 300, May 14, 1987; Finance Docket No. 33325, *Lewis & Clark Railway Company – Lease and Operation Exemption – in Clark County, WA*, 1997 STB LEXIS 2481, January 8, 1997. Clark County has notified Lewis & Clark Railway Company, by letter dated January 30, 2003, that CBRC will be the new operator of the Subject Line.