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**Before the
Surface Transportation Board**

Finance Docket No. 35812

**CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY
– ACQUISITION EXEMPTION –
CERTAIN ASSETS OF CITY OF TACOMA
IN PIERCE COUNTY, WASHINGTON**

RESPONSE AND SUBMISSION OF SUPPLEMENTAL INFORMATION

Dated: August 21, 2014

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**Before the
Surface Transportation Board**

Finance Docket No. 35812

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RESPONSE AND SUBMISSION OF SUPPLEMENTAL INFORMATION

The Central Puget Sound Regional Transit Authority (“Sound Transit”), a regional transit authority established under the laws of the State of Washington, hereby files this Response and Submission of Supplemental Information in response to the decision from the Board served August 4, 2014 (“August 4th Decision”) in the above referenced docket. The information that the Board required Sound Transit and Tacoma Rail to submit is provided below.

INTRODUCTION

On April 15, 2014, Sound Transit filed a verified notice of exemption pursuant to the Board’s regulations at 49 C.F.R. § 1150.31 to acquire from the City of Tacoma the physical assets and right-of-way of an approximately one-mile segment (the “Tacoma Dome Segment” or “Segment”) of a line commonly known as the Mountain Division, located in Tacoma, Pierce County, Washington. Simultaneously, Sound Transit filed a motion to dismiss the notice for lack of jurisdiction. Sound Transit’s basis for the motion was that it will not assume any of the common carrier rights or obligations for the line, and will not alter, prevent or in any way impact the ability of the current operator, City of Tacoma, Department of Public Utilities, d/b/a Tacoma Rail (“Tacoma Rail”) to fulfill its common carrier obligations.

In the August 4th Decision, the Board stated that it did not have sufficient information to determine whether Tacoma Rail would maintain sufficient control of the Tacoma Dome Segment and continue to be able to fulfill its common carrier obligation. In particular, the Board determined that it lacked “specific evidence regarding Tacoma Rail’s existing and future freight operations and how the needs of the shippers its serves would be met during normal operations, and during the planned capital improvements.” August 4th Decision at 2. In order to assess Tacoma Rail’s ability to fulfill its obligations, the Board ordered Sound Transit and Tacoma Rail to provide additional information, including “(1) the number of trains that Tacoma Rail currently operates and is projected to operate over the Tacoma Dome Segment; and (2) information regarding any exclusive operating window for freight operations.” *Id.*

RESPONSES TO BOARD’S INFORMATION REQUESTS

In response to the August 4th Decision, Sound Transit hereby submits the requested additional information, which is contained in the Verified Statement of Alan Matheson, Chief Mechanical Officer, at Tacoma Rail, attached hereto as **Attachment A (“V. S. Alan Matheson”)**. The Verified Statement includes responses to the Board’s requests regarding the number of trains that Tacoma Rail currently operates and is projected to operate, V. S. Alan Matheson ¶ 7, and information regarding Tacoma Rail’s operating window for freight rail, *id.* ¶ 8. The Verified Statement also contains additional information regarding Tacoma Rail’s operations on the Segment and its ability to continue to serve its customers after Sound Transit’s acquisition of the Segment. *Id.* ¶¶ 4-13.

The information in the attached Verified Statement confirms that Sound Transit’s acquisition of the Segment will not adversely affect Tacoma Rail’s ability to provide freight

service and fulfill its common carrier obligation. Accordingly, Sound Transit requests that the Board hold that it will not assert jurisdiction over the transaction.

Respectfully submitted,

A handwritten signature in blue ink that reads "Allison I. Fultz". The signature is written in a cursive style and is positioned above a horizontal line.

Charles A. Spitulnik
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Counsel for the Central Puget Sound Regional
Transit District

Dated: August 21, 2014

Certificate of Service

I hereby certify that I have this day caused a copy of the foregoing Response and Submission of Supplemental Information of the Central Puget Sound Regional Transit Authority to be served by first class mail, properly addressed and with postage prepaid, upon the following:

City of Tacoma
c/o Real Property Services
3628 South 35th Street
Tacoma, WA 98409

Tacoma Rail
2601 SR 509 N Frontage Road
Tacoma, WA 98421

Tacoma Rail Mountain Division (TRMW) Freight Customers

Customer: Baker Commodities
Contact: Julie Liedahl
Contact Phone: (323) 268-2801 x 3206
jliedahl@bakercommodities.com

Facility Address: 18119 50th Ave. East
Tacoma, WA 98446

Customer: Boeing Commercial Airplane
Contact: Sue Harber
Contact Phone: (425) 965-4360
Contact E-mail: ssgreclamation@boeing.com

Facility Address: 6002 184th St. East
Puyallup, WA 98373

Customer: Farwest Fabrication
Contact: Bill Crites
Contact Phone: (253) 847-2800
Contact E-mail: Bill@farwestfab.com

Facility Address: 5521 184th Street East
Puyallup, WA 98375

Customer: James Hardie Building Products
Contact: Tommy Green
Contact Phone: (253) 875-2346
Contact E-mail: tommy.green@jameshardie.com

Facility Address: 18200 50th Ave. East
Puyallup, WA 98446

Customer: Harris Rebar
Contact: Todd Weishaupt
Contact Phone: (253) 847-5001
Contact E-mail: tweishaupt@harrisrebar.com

Facility Address: 4421 192nd St. East
Tacoma, WA 98446

Customer: Hunter Panels Inc.
Contact: Mark Johnson
Contact Phone: (253) 271-3222
Contact E-mail: mark.johnson@syntec.carlisle.com

Facility Address: 19727 57th Ave. East
Puyallup, WA 98375

Customer: Medallion Foods
Contact: Marcello Mancini
Contact Phone: (253) 846-2600 x 103
Contact E-mail: marcello@medallionpasta.com

Facility Address: 18420 50th Ave East
Tacoma, WA 98446

Customer: Pacific Steel & Recycling
Contact: Jason Heath
Contact Phone: (253) 846-2640
Contact E-mail: jason.heath@pacific-recycling.com

Facility Address: 18727 38th Ave. East
Tacoma, WA 98446

Customer: Parr Lumber Company
Contact: Mike Kruse
Contact Phone: (253) 875-8005
Contact E-mail: michaelk@parr.com

Facility Address: 5301 184th St. East
Tacoma, WA 98446

Customer: Pendleton Flour Mills
Contact: Chase Faler
Contact Phone: (208) 785-2800 x 12
Contact E-mail: cfaler@graincraft.com

Facility Address: 18420 50th St. East
Tacoma, WA 98446

Customer: Plastic Express
Contact: Erik Gabrielson
Contact Phone: (253) 209-7448
Contact E-mail: erik.gabrielson@plasticexpress.com

Facility Address: 4200 Industry Dr. East Suite-A
Fife, WA 98424

Customer: PN Best
Contact: Paul Best
Contact Phone: (425) 882-1000
Contact E-mail: PNBESTCO@aol.com

Facility Address: 5501184th St. East
Puyallup, WA 98375

Customer: Sygnet Rail Technologies
Contact: Dave Swanson
Contact Phone: (360) 264-8211
Contact E-mail: dswanson@sygnetrail.com

Facility Address: 5915 Waldrick Road S.E.
Tenino, WA 98589

Customer: T. E. Walrath Trucking
Contact: Tom Walrath Jr.
Contact Phone: (253) 531-7499 x105
Contact E-mail: tom@tewalrath.com

Facility Address: 11405 24th Ave. East
Tacoma, WA 98445

Customer: Tacoma Steel
Contact: Dan Gadsden
Contact Phone: (253) 272-2266
Contact E-mail: dg@tacomasteel.com

Facility Address: 701 East 64th St.
Tacoma, WA 98404

Tacoma Rail Mountain Division (TRMW) Storage Customers

Customer: BNSF Railway
Contact: David Longsworth
Contact Phone: (817) 867-6423
Contact E-mail: david.longsworth@bnsf.com

Facility Address: 2650 Lou Menk Drive 1st Floor
Fort Worth, TX 76131-2830

Customer: First Union Rail
Contact: Cindy Roberts/Jackie
Contact Phone: (847) 384-5313
Contact E-mail: cindy.roberts@wellsfargo.com or
jacqueline.gallo@wellsfargo.com

Facility Address: 6250 River Road, Ste. 5000
Rosemont, IL 60018

Customer: Greenbrier Leasing
Contact: Melanie Charles
Contact Phone: (503) 670-3111
Contact E-mail: melanie.charles@gbrx.com

Facility Address: One Center Pointe Dr., Ste. 400
Lake Oswego, OR 97035

Customer: TEXPAR Energy LLC
Contact: Margie Desmond
Contact Phone: (608) 779-6535
Contact E-mail: margie.desmond@texpar.com

Facility Address: 920 10th Avenue North
Onalaska, WI 54650

Customer: Westran Services
Contact: Mike Peters/Hugh
Contact Phone: (604) 520-6366 (Mike)
Contact E-mail: mike@westran.com/hugh@westran.com

Facility Address: P.O. Box 412
Custer, WA 98240


Allison I. Fultz

Dated: August 21, 2014

ATTACHMENT A

VERIFIED STATEMENT OF ALAN MATHESON

**Before the
Surface Transportation Board**

Finance Docket No. 35812

**CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY
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VERIFIED STATEMENT OF ALAN MATHESON

1. I am Alan Matheson, Chief Mechanical Officer, of City of Tacoma, Department of Public Utilities, d/b/a Tacoma Rail (“Tacoma Rail”). My duties include maintenance and capital improvements of facilities, railroad track and bridge infrastructures, and the locomotive fleet. I have served in this position since January 2009. Prior to serving in this position, I was Assistant Roadmaster at Tacoma Rail. In my prior position my responsibilities included maintenance and capital upgrade of facilities, railroad track and bridges.

2. Prior to joining Tacoma Rail, I worked as General Manager at AOE Rail Services for four and one half (4 ½) years. My duties in this position included responsibility for the refurbishment and maintenance of rolling stock used to comprise the American Orient Express passenger train consists.

3. Tacoma Rail is a division of the Tacoma Department of Public Utilities and common carrier railroad subject to Board jurisdiction that operates over 204 miles of track in three operating divisions within Pierce, Thurston, and Lewis Counties. Tacoma Rail’s three divisions are: the Tideland Division in Tacoma; the Capital Division, consisting of three lines in

Pierce and Thurston Counties; and the Mountain Division, which has track in Pierce, Thurston, and Lewis counties.

4. The Mountain Division consists of 132 route miles extending from Tacoma through Frederickson, where it splits with one line from Eatonville to Morton, and another to Centralia and Chehalis. Unlike the Tidelines and Capital Divisions, Tacoma Rail does not own the track making up the Mountain Division; instead, Tacoma Rail operates the Mountain Division under contract to the owner, which is another division of the City.

5. The segment of the Mountain Division that Sound Transit seeks to acquire from Tacoma Rail pursuant to these proceedings, known as the Tacoma Dome Segment (the “Segment”), is located on the northernmost section of the Mountain Division in Tacoma, Pierce County, WA.

6. Tacoma Rail utilizes the Segment to serve fifteen (15) freight customers on the Mountain Division, located in Pierce and Thurston Counties, Washington. None of the freight switching activity occurs on the Segment. Instead, the Segment provides an access point to the industrial switching area used for these customers, which is located in Frederickson, eleven miles to the southeast of Tacoma and the Segment.

7. The frequency of service to shippers on the Mountain Division is two times per week. Thus, Tacoma Rail currently operates four (4) trains per week over the Segment. We project that we will continue to operate approximately the same number of trains in the future.

8. Sound Transit’s commuter operations occur between 4:00 – 8:00 A.M. and 4:00 – 8:00 P.M., Monday through Friday. Tacoma Rail currently generally conducts its freight rail operations outside of these windows, and has no plans to change that operating schedule.

9. Normally, the Tacoma Rail trains serving Mountain Division customers traverse the Segment during Tacoma Rail's second shift, with established job start times between 2:30 P.M. and 4:00 P.M. The current operating schedule will continue to be easily accommodated pursuant to the Joint Use Agreement between Sound Transit and Tacoma Rail within the time periods available for Tacoma Rail to operate its freight trains.

10. Sound Transit will conduct no construction activities between 11:00 P.M. and 7:00 A.M. on weekdays and 11:00 P.M. and 9:00 A.M. on weekends. In the event that construction renders the Segment unavailable during the day, Tacoma Rail will be able to use the Segment to conduct its freight operations during these overnight hours. This time, together with the daytime hours when Sound Transit is not conducting any commuter passenger operations, will be sufficient time for Tacoma Rail to make the deliveries and pick-ups to and from the customers on the Segment. Because Tacoma Rail's Mountain Division customers do not rely on "just in time" shipments or deliveries, their needs will be satisfactorily addressed even if cars are picked up or delivered at times when their facilities may not otherwise be open for business.

11. Additionally, if access to the Segment is interrupted through any cause that will result in substantial delays to service to customers on the Mountain Division, Tacoma Rail will reroute traffic through a connection to Frederickson from the BNSF Railway Company mainline directly south of Centralia, Lewis County, WA, located to the south of Tacoma. Although Tacoma Rail does not have a formal trackage rights or switching agreement with BNSF in place for this access point, Tacoma Rail and BNSF have a close working relationship and will enter into such agreements as needed. However, due to the low frequency of shipments, and the flexibility with respect to pick-up times, Tacoma Rail does not anticipate needing to reroute shipments through the alternative Centralia route.

12. Tacoma Rail will continue to have ample time available for the freight operations our shippers require over the Segment when Sound Transit is not conducting passenger operations to meet the needs of its customers. In addition, Tacoma Rail has additional overnight operating windows during construction periods, and can work with BNSF to make an alternative access point available should construction activities temporarily prevent operation over the Segment.

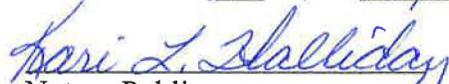
13. Pursuant to the Board's order, Tacoma Rail has served a copy of the August 4th Decision in this docket on all affected shippers for which it has provided service in the past two years, and has delivered a certificate of service to the Board within five days of the service date of the August 4th Decision.

14. I verify under penalty of perjury that I have personal knowledge of the facts recited in this Verified Statement, and that the facts recited in this Verified Statement are true and correct. Further, I declare that I am authorized by Tacoma Rail to verify the facts stated in this Verified Statement.

DATED this 19th day of August, 2014


Alan Matheson
Chief Mechanical Officer
Tacoma Public Utilities, d/b/a
Tacoma Rail

Subscribed and sworn to
before me this 19th day of August, 2014.


Notary Public
My commission expires: 9/27/14

