

**RESOLUTION NO. 2018-12-10**

A Resolution relating to the actions of Portland Vancouver Junction Railroad, LLC ("PVJR") restricting the operation of the holiday Christmas Tree Train by Battle Ground, Yacolt, and Chelatchie Prairie Railroad Association, ("BYCX").

1           WHEREAS, Clark County is the owner of the lines of standard gauge railroad and  
2 other related properties and property rights from North Vancouver (MP 0.0) in  
3 Vancouver, Washington to Chelatchie, Washington (Approximately 33.1), including  
4 several spur lines, yard and passing tracks and connections; and

5           WHEREAS, PVJR is the railroad operator on Clark County's railroad; and

6           WHEREAS, Clark County leases a portion of the north line of the railroad to  
7 BYCX for passenger excursion trains; and

8           WHEREAS, Clark County notified PVJR of concerns with the lease between the  
9 County and PVJR; and

10           WHEREAS, notwithstanding its concerns, Clark County advised PVJR of Clark  
11 County's intention in good faith to permit PVJR's continued operations while PVJR and  
12 Clark County resolved these issues or until an appropriate legal authority could resolve  
13 any remaining dispute; and

14           WHEREAS, PVJR nonetheless determined it would not permit BYCX to operate  
15 on the north line of the railroad, thereby preventing the operation of the holiday  
16 Christmas Tree Train; and

17           WHEREAS, PVJR claims to have prevented operation of the Christmas Tree  
18 Train out of concerns for liability, but Clark County finds PVJR's rationale to be suspect,  
19 particularly given that BYCX has liability protections in place and PVJR has allowed  
20 other users of the rail to continue operations; and

21 WHEREAS, Clark County finds that BYCX's seasonal operations on the north  
22 line of the railroad provide an important benefit to the Clark County community and has  
23 sought to find a way to continue BYCX's Christmas Tree Train operations; and

24 WHEREAS, this matter is being considered at a duly noticed public meeting, and  
25 County Council finds that it is in the interest of the public and the parties to adopt this  
26 resolution;

27 NOW THEREFORE, be it Resolved by the County Council for Clark County,  
28 State of Washington, as follows:

29 The Council condemns the actions of PVJR prohibiting operation of the  
30 Christmas Tree Train, strongly encourages PVJR to reopen the track to permit BYCX's  
31 operations subject to an appropriate interim arrangement, and urges PVJR to reopen  
32 negotiations in good faith as promptly as possible.

33  
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35 ADOPTED on this 11<sup>th</sup> day of December, 2018.  
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Attest:

  
\_\_\_\_\_  
Clerk to the Council

COUNTY COUNCIL  
CLARK COUNTY, WASHINGTON

By:   
\_\_\_\_\_  
Marc Boldt, Chair

Approved as to form only:  
ANTHONY F. GOLIK  
Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By:   
\_\_\_\_\_  
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
John Blom, Councilor

By: \_\_\_\_\_  
Eileen Quiring, Councilor

