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ENTERED
Office of Proceedings
September 19, 2023
Part of
Public Record

For filing: September 19, 2023

E-Filing

(additional copy to Board by USPS)

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: STB Docket AB 1331

Snohomish County – Adverse Abandonment – GNP RLY, Inc.,
in Snohomish County, Wash.

Dear Ms. Brown:

In accordance with 49 C.F.R. 1152.20(b)(3) as modified by the Board's decision on notices in this proceeding served May 23, 2023, Snohomish County (Applicant) provides herewith its Notice of Intent in the form approved by the Board per the referenced decision. The form of intent sets the date Applicant expects to file its Adverse Application as October 17, 2023. Applicant is filing its Notice of Intent with the Board on today's date (September 19) because Applicant expects newspaper publication to commence on or about this date and therefore is concurrently filing the notice with this Board per the regulation.

Attached please find a certificate of service indicating appropriate service upon 49 C.F.R. 1152.20(a)(2) parties (as modified in the May 23 decision) and all parties listed on the Board's docket list for AB 1331 as of this date.

Respectfully submitted,



Charles H. Montange
for Snohomish County, Applicant

Att. Notice of Intent
Certificate of Service

Cc (w/att) per attached certificate of service
Sean Reay, Esq. (for Applicant) (by email)
Andrew Marcuse, Esq. (King County, courtesy copy, by email)

Notice of Intent

STB Docket No. AB 1331

Snohomish County – Adverse Abandonment – GNP RLY, Inc., in Snohomish County, Wash.

Snohomish County (“Applicant”), a political subdivision of the State of Washington, gives notice that on or about October 17, 2023, it intends to file with the Surface Transportation Board (“STB” or “Board”), Washington, D.C., 20423, an Application for Adverse Abandonment of a line of railroad that extends from Milepost (MP) 38.25 at City of Snohomish to MP 26.38 (Snohomish/King County line), which traverses through United States Postal ZIP Codes (ZIP Codes) 98296 and 98072 and 98290, a total distance of approximately 11.9 miles, in Snohomish County, WA (hereinafter “Line”). There are no stations on the Line.

The reason for the proposed abandonment is to obtain a determination that public convenience and necessity require and permit abandonment of the federal interest/common carrier obligation in the Line. The Port of Seattle originally acquired all of the interests of BNSF Railway in the Line, inclusive of track and ties, except for BNSF’s retained exclusive freight rail easement. The Port subsequently conveyed its interests to Applicant. BNSF conveyed its exclusive freight rail easement to GNP RLY, Inc. The County claims the easement is subject to a covenant running with the land that requires GNP (or any other

successor to BNSF) to cooperate in an adverse abandonment proceeding brought by the Port (or any successor to the Port, such as Applicant) and also to agree to interim trail use and railbanking upon request. The County claims that rail use ceased on this Line over 2-1/2 years ago. The County claims there is no reasonable prospect for resumption of rail service in the foreseeable future. Applicant as successor to the Port owns underlying real estate interests, and track and ties, and wishes access to its property to implement trail use and other compatible public uses on its property.

The line may contain federally granted rights-of-way. Any documentation in Applicant's possession will be made available promptly to those requesting it.

The interest of railroad employees, if there are any employees, will be protected by the conditions set forth in Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

The application will include Applicant's entire case for abandonment. The application, when filed, can be viewed on the Board's webpage, www.stb.gov, or a copy can be secured from Applicant's counsel, whose name and address appear below. Any interested person, after the application is filed on or about October 17, 2023, may file with the STB written comments concerning the proposed abandonment or protests to it. These filings are due 45 days from the date of filing

of the application. All interested persons should be aware that following any abandonment of rail service, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 C.F.R. 1152.28 of the Board's rules) and any request for a trail use condition under 16 U.S.C. 1247(d) (49 C.F.R. 1152.29 of the Board's rules) must be filed within 45 days after the application is filed.

Persons who may oppose the adverse abandonment but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition (case in chief) including the following: (1) Protestant's name, address and business. (2) A statement describing protestant's interest in the proceeding including: (i) A description of protestant's use of the Line; (ii) If protestant does not use the Line, information concerning the group or public interest it represents; and (iii) If protestant's interest is limited to retention of service over a portion of the Line, a description of the portion of the Line subject to protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the Line profitably,

including an appropriate return on its investment for those operations. (3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)]. (4) Any rebuttal of material submitted by Applicant.

In addition, a commenting party or a protestant may provide a statement of position and evidence regarding:

- (i) Environmental impact;
- (ii) Impact on rural and community development;
- (iii) Suitability of the property for other public purposes pursuant to 49 U.S.C. 10905;
- (iv) Recommended provisions for the protection of the interests of employees; and
- (v) Prospective use of the right-of-way for interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29.

Written comments and protests will be considered by the Board in determining what disposition to make of the application. The commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing

requests must be filed with the Board no later than 10 days after the application is filed.

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to 49 C.F.R. 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, should indicate the proceeding designation STB No. AB-1331, and must be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001, no later than December 1, 2023 (i.e., 45 days after the date Applicant intends to file its application). Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest must be served on the representative of the Applicant (Charles H. Montange, Law Offices of Charles H. Montange, 426 NW 162nd St., Seattle, WA 98177, (206) 546-1936, email: c.montange@frontier.com). Every comment or protest shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 C.F.R. 1104.12(a).

Pursuant to STB's order in this proceeding served May 23, 2023, this Board has exempted this proceeding from the provisions of 49 U.S.C. 10904 (OFA's).

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment and discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Certificate of Service

The undersigned certifies that on September 19, 2023 written notice of the Notice of Intent to file an “Adverse Abandonment Application” in STB Docket AB 1331 with respect to approximately 11.9 miles of rail line in Snohomish County, Washington, was served on all persons or entities (including those listed below) by U.S. Mail, postage pre-paid first class, or by certified mail if so indicated, as required per 49 C.F.R. 1152.20 and STB’s May 23, 2023 decision in Docket AB 1331, and, in addition, by email attachment upon all persons listed in STB’s service list for AB 1331 as of this date (Matthew Cohen and James H.M. Savage) at their email addresses of record):

Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002 [certified mail]

Washington State Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
[also courtesy copy by email to Cal.stocking@utc.wa.gov]

Ms. Vicki McCracken
Associate Dean and Director, Extension
Washington State University
PO Box 646248
Hulbert Hall, Room 411
Pullman, WA 99164-6248

U.S. Department of Transportation – Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

U.S. Dept. of Defense,
SDDCTEA
Railroads for the National Defense Program
One Soldier Way, Building 1900W
Scott AFB IL 62225-5006

United States Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street NW
Washington, D.C. 20240

Program Manager
Rivers, Trails and Conservation Assistance Program
333 Bush Street, Suite 500
San Francisco, CA 94104

Regional Program Manager
Federal Lands to Parks Program
National Park Service
909 First Avenue, 5th Floor
Seattle, Washington 98104

United States Railroad Retirement Board
William O. Lipinski Federal Building
844 North Rush Street
Chicago, IL 0611-1275

Chief, U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-0003



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Seattle, WA 98177
Counsel for Snohomish County, Applicant