

BEFORE THE SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB 1331

307651

Snohomish County
-- Adverse Abandonment --
GNP RLY, Inc.,
In Snohomish County, WA

ENTERED
Office of Proceedings
December 18, 2023
Part of
Public Record

REPLY COMMENTS
On behalf of Snohomish County
(Applicant for Adverse Abandonment)

In the procedural schedule set forth in this Board's decision served November 6, 2023 in the above-captioned proceeding, this Board provided that all comments and protests concerning Snohomish County's Adverse Abandonment Application (hereinafter "Application") must be filed by December 1, 2023. No individual or entity filed any comment or protest opposed to Application within that period or to the date of Snohomish County's Reply herein. City of Woodinville filed a comment in support of the relief sought.

The procedural schedule established by the Board provided that Snohomish County (hereinafter "Applicant" or "SnoCo") must file any reply by December 18, 2023. These reply comments are submitted on behalf of Applicant.

I.

As City of Woodinville indicates (Woodinville comments at p. 2), “Snohomish County amply documents the binding commitments of the rail carrier GNP RLY, Inc. (‘GNP’) to railbank the Line,” citing Application at 7-8 and 19. Woodinville notes that SnoCo has provided adequate assurance that there will be no severance of the railbanked trail owned by Woodinville from the interstate network.

II.

SnoCo has already filed and served a Statement of Willingness to Assume Financial Responsibility. A copy of that Statement is already filed as Attachment 11 to the Application, and is found at Att(s) pp. 403-06. GNP’s consent to negotiate has likewise already been supplied this Board. It is on the STB website as Exhibit 12 to the Application, and is found at Att(s) pp. 407-8. As further indicated in SnoCo’s application, the parties have entered into a settlement agreement providing for railbanking of the property upon the effectiveness of this Board’s authorization for that action. (A copy of that agreement is found in Attachment 3 at Exhibit B to the Application, appearing at Att(s) pp. 17-25 .) For the reasons set forth at pp. 12-13 of the Application, this line is eligible for railbanking in this proceeding, and this Board accordingly should and must issue a

Certificate of Interim Trail Use (“CITU”). See Application at p. 37 (relief sought).

Under this Board’s applicable time schedule, the due date for a “decision on the merits” is 110 days after filing of the Application. 49 C.F.R. 1152.26(a), The Application was filed on Thursday, October 17, 2023. 110 days from that date is Tuesday, February 4, 2024. Since this Board has already exempted this proceeding from OFA procedures, and since there is no opposition to the relief requested by the applicant (including no opposition to a CITU), SnoCo requests that this Board issue a “decision on the merits” in the form of a CITU no later than February 4, in accordance with 49 C.F.R. 1152.26(a).¹ SnoCo and GNP have entered into a railbanking agreement contingent upon this Board’s authorization to railbank the property, and issuance of a CITU will facilitate closing on that agreement. This will provide further assurance to Woodinville and others that the line segment at issue here is and will be preserved under the railbanking statute, and that there is and can be no severance. It will also facilitate management of the corridor and drainage issues during the on-going rainy season.

¹ Provided there are no environmental conditions precluding immediate effectiveness of a railbanking order, SnoCo further requests that the CITU when issued be immediately effective. This proceeding is unopposed to date, and there have thus far been no comments of any sort suggesting any factors which would mitigate against immediate effectiveness of a railbanking order.

Conclusion

As noted, there is no opposition to the adverse abandonment and railbanking sought by SnoCo. The rail carrier (GNP) has concurred in the relief sought. All prerequisites for railbanking under 16 U.S.C. 1247(d) have been met. Snohomish County accordingly respectfully requests that the Board issue a CITU for this line allowing railbanking to be consummated as anticipated by the settlement agreement between the parties.

Respectfully submitted,

/s/ *Charles H. Montange*

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Certificate of Service

By my signature below, I certify service of these Reply Comments upon all parties on STB's service list for AB 1331, including Mr. Savage and Mr. Cohen (counsel for GNP and Woodinville respectively) via email and USPS prepaid first class at their email and postal addresses of record, this 18th day of December, 2023.

s/Charles H. Montange