



243946

600 University Street, Suite 3600
Seattle, WA 98101
T. 206.624.0900
F. 206.386.7500
www.stoel.com

ENTERED
Office of Proceedings
July 13, 2017
Part of
Public Record

MATTHEW COHEN
D. 206.386.7569
matthew.cohen@stoel.com

By e-filing

July 13, 2017

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

**Re: Docket No. AB 43 (Sub-No. 154X), Illinois Central Railroad Company --
Abandonment Exemption -- In St. Tammany Parish, Louisiana**

Dear Ms. Brown:

The St. Tammany Parish Government ("STPG"), a political subdivision of the State of Louisiana, respectfully submits the attached Petition To Partially Vacate Notice of Interim Trail Use for e-filing in the above-referenced proceeding.

STPG also requests waiver of the filing fee pursuant to 49 C.F.R. § 1002.2(e)(1). STPG avers that it is a "local government entity" qualified for waiver of the fee under that regulation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew Cohen", is written over a horizontal line.

Matthew Cohen
Attorney for the St. Tammany Parish Government

cc: Illinois Central Railroad Company
Parties of Record

Enclosures

FILING FEE WAIVED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-43 (Sub No. 154X)

**ILLINOIS CENTRAL RAILROAD COMPANY -- ABANDONMENT EXEMPTION--
IN ST. TAMMANY PARISH, LA**

**ST. TAMMANY PARISH GOVERNMENT PETITION TO PARTIALLY VACATE
NOTICE OF INTERIM TRAIL USE**

Matthew Cohen, WSBA No. 11232
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101
Tel. (206) 386-7569

Attorney for Petitioner
St. Tammany Parish Government

Dated this 13th day of July, 2017.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-43 (Sub-No. 154X)

ILLINOIS CENTRAL RAILROAD COMPANY

ABANDONMENT EXEMPTION --
IN ST. TAMMANY PARISH, LOUISIANA

**ST. TAMMANY PARISH GOVERNMENT
PETITION TO PARTIALLY VACATE NOTICE OF INTERIM TRAIL USE**

The St. Tammany Parish Government (“STPG”), a political subdivision of the State of Louisiana and the governing authority of St. Tammany Parish, petitions the Surface Transportation Board (“STB” or “Board”), pursuant to 49 CFR 1152.29(d), to vacate, in part, the Notice of Interim Trail Use or Abandonment (“NITU”) issued in this proceeding, and to issue a replacement NITU covering all but the western 2.39 miles of the right of way.

BACKGROUND

On January 28, 1991 the Illinois Central Railroad Company, (“IC”) filed with the Interstate Commerce Commission a petition under 49 U.S.C. 10505 seeking an exemption from the prior approval requirements of 49 U.S.C. 10903-04 to abandon a 29.14 mile line of railroad, (the “Colt-Covington Line” or the “Line”), from Milepost 38.25 near Colt, Louisiana to the end of the line at Milepost 67.39 near Covington, in St. Tammany Parish, Louisiana. A map of the Line is attached as Exhibit A to this Petition. The Line traverses United States Postal Service Zip Codes 70458, 70460, 70445, 70448, 70471, 70420 and 70433.

The STPG, f/k/a St. Tammany Parish Police Jury, filed a request for interim trail use. By decision and NITU served October 27, 1992, Exhibit B to this Petition, the Commission

authorized IC to negotiate an interim trail use/rail banking agreement with STPG. On December 30, 1992 IC and STPG executed a contract for sale and railbanking agreement, pursuant to which IC conveyed all of its interest in the Line to St. Tammany Parish on March 3, 1993. The STPG created a recreational trail upon the corridor, now known as the “Tammany Trace.”

The State of Louisiana, Department of Transportation and Development (“DOTD”) has approached STPG regarding construction of new bridge spans for U.S. Highway 190 crossing the Bogue Falaya River and over the Line. These new bridge spans would include various entrance and exit ramps not currently existing on Boston Street/Business Highway 190 and State Highway 21. The necessary approach and departure angles of the entrance and exit ramps will interfere with required railroad height clearances. STPG has determined that the bridge and road improvements are needed to alleviate severe traffic congestion along all roadways in the area.

In light of DOTD’s proposed construction and STPG’s support for the bridge and road improvements, STPG has determined that the best course of action is to request that the Board partially vacate the NITU from Milepost 65 near Claiborne Hill to Milepost 67.39 in Covington. Vacating the NITU will enable IC to consummate the abandonment of this segment, as proposed by IC in 1991, and provide DOTD with the ability to construct much-needed entrance and exit ramps to the new bridge spans. Vacating the NITU for this segment will not sever the rest of the Line from the national rail transportation network. When the Line was active it stub-ended at Covington. The east end of the Line intersects with the Norfolk Southern’s New Orleans and Northeast District line near North Slidell, Louisiana. The Tammany Trace will be rerouted in the project area to accommodate continued, uninterrupted use.

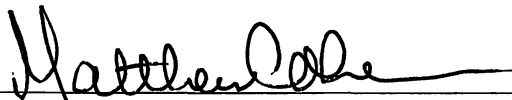
PETITION TO PARTIALLY VACATE NOTICE OF INTERIM TRAIL USE

In accordance with 49 CFR 1152.29(d)(2), STPG respectfully requests that the STB vacate the NITU and issue a replacement NITU covering the balance of the Line between Mileposts 38.25 and 65.00, effective upon the date of service.

EXPEDITED HANDLING REQUESTED

STPG requests that the Board issue its decision within 30 days of filing this Petition so that the DOTD may complete design on the new bridge and road constructions as soon as possible. STPG does not anticipate that this request will pose any new or unique policy issues for the Board or will generate any opposition.

Respectfully submitted,



Matthew Cohen, WSBA No. 11232
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101
Tel. (206) 386-7569

Attorney for Petitioner
St. Tammany Parish Government

Dated this 13th day of July, 2017.

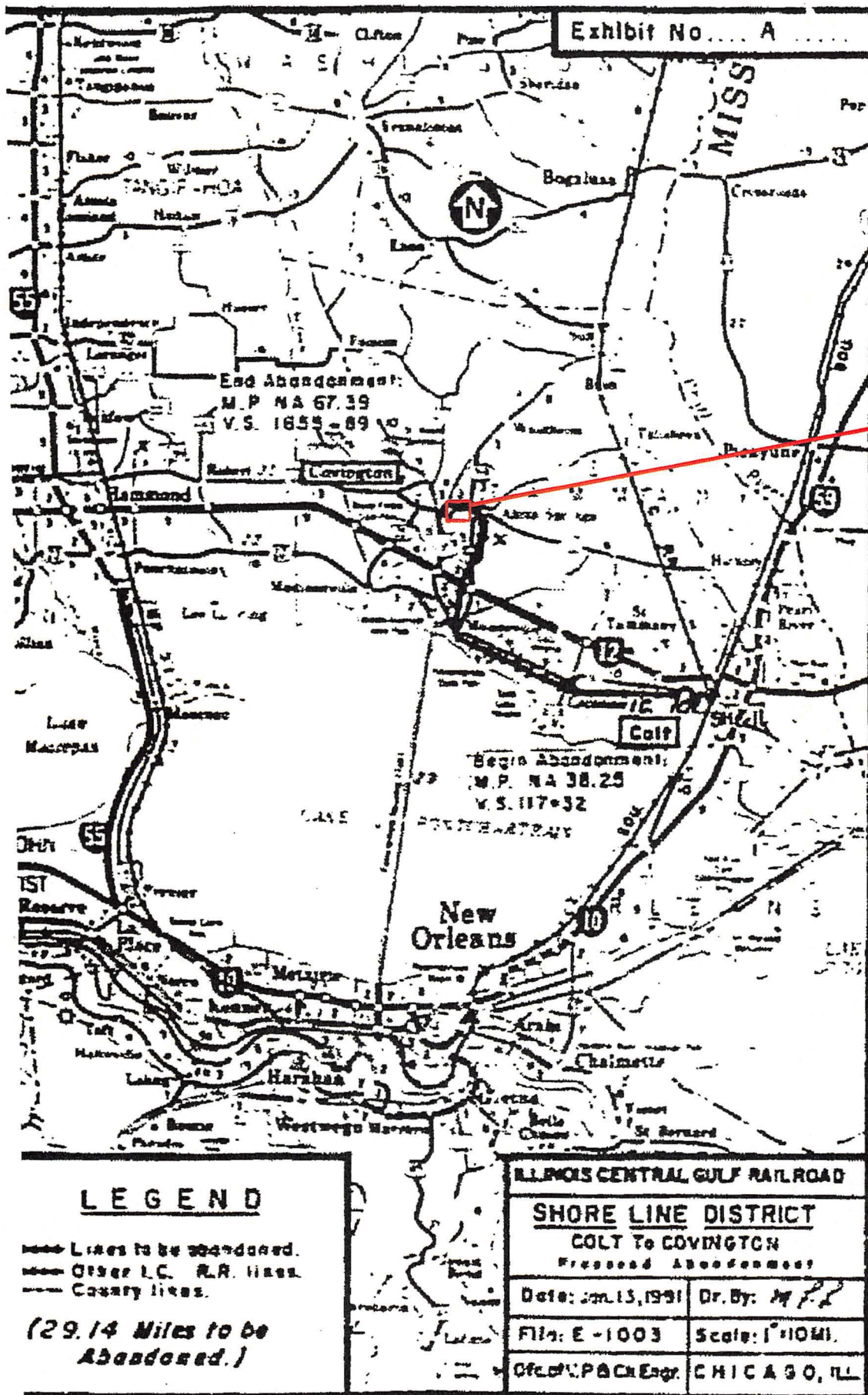


Exhibit A

H

1992 WL 307294 (I.C.C.)

SURFACE TRANSPORTATION BOARD (S.T.B)

***1 ILLINOIS CENTRAL RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN ST. TAMMANY PARISH, LA**

Decided: October 23, 1992
Service Date: October 27, 1992

**INTERSTATE COMMERCE COMMISSION DECISION AND
NOTICE OF INTERIM TRAIL USE OR ABANDONMENT**

Docket No. AB-43 (Sub-No. 154X)

By the Commission, David M. Konschnik, Director, Office of Proceedings.

By decision served July 2, 1992, the Commission exempted from the prior approval requirements of 49 U.S.C. 10903-10904, the abandonment by Illinois Central Railroad Company (IC) of its 29.14-mile line of railroad between milepost 38.25 near Colt and milepost 67.39 near Covington, in St. Tammany Parish, LA, subject to a 180-day public use condition. [FN1] The exemption became effective on August 3, 1992.

By letter dated September 9, 1992, IC advises that it is now willing to negotiate with the St. Tammany Parish Police Jury (Tammany) for a possible trail use agreement. It requests that the NITU negotiating period be made to coincide with the previously imposed public use time period. Tammany's original NITU request contained a statement expressing its willingness to assume full responsibility for management of the right-of-way, including legal liability for its transfer or use and for the payment of taxes, as required at 49 CFR 1152.29. Tammany acknowledged that the use of the right-of-way as a trail is subject to future reactivation for rail service.

We accept late-filed trail use requests as long as we retain jurisdiction over the right-of-way. [FN2] A railroad right-of-way approved for abandonment, whether by decision or by exemption, remains subject to Commission jurisdiction until an unconditioned abandonment is consummated. [FN3] Here, IC advises that the right-of-way is intact and that the abandonment has not been consummated. Therefore, the Commission retains jurisdiction to issue a NITU.

Based on IC's willingness to enter into negotiations, an NITU will be issued under section CFR 1152.29. The parties may negotiate an agreement through January 30, 1993, the date the public use condition expires. If the parties reach a final trail use agreement, further Commission approval is not necessary. If no agreement is reached within the time allowed, IC may fully abandon the line. See section 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. On reconsideration, the decision served July 2, 1992, exempting the abandonment by IC Of the line described above, is revoked to the extent necessary to implement interim trail use/rail banking as set forth below.
3. IC may discontinue service, cancel tariffs for the line less than 10 days' notice to the Commission, and salvage track and track material consistent with interim trail use/rail banking after the effective date of this decision and notice. Tariff cancellations must refer to this decision an notice by date and docket number.
- *2 4. If an interim trail use/rail banking agreement is reached, it must require for the term of the agreement that the trail user to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for payment of any and all taxes that may be levied or assessed against the right-of-way.
5. Interim trail use/rail banking is subject to the future restoration of rail service.
6. If the user intends to terminate trail use, it must send the Commission a copy of this decision and notice and request that it be vacated on a specified date.
7. If an agreement for interim trail use/rail banking is reached by January 30, 1993, interim trail use may be implemented. If no agreement is reached by that date, IC may fully abandon the line segment.
8. This decision is effective on the date of service.

Sidney L. Strickland, Jr.

Secretary

FN1 A corresponding request from St. Tammany Parish Police Jury (Tammany) for a Notice of Interim Trails Use and Railbanking (NITU) under section 8(d) of the National Trails System Act, 16 U.S.C. 1947(d), and 49 CFR 1152.29, was denied because IC had not indicated its willingness to negotiate. See Rail Abandonments--Use of Rights-of-way as Trails, 2 I.C.C.2d 591 (1986).

FN2 See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-8 (1987); and Docket No. AB-3 (Sub-No. 60X), Missouri Pac. R. Co.-- Exemp.-- Aband. in Shawnee and Osage Counties KS (not printed), served May 24, 1989.

FN3 See Hayfield Northern R. Co. v. Chicago & Northwestern Transp. Co., 467 U.S. 622 (1984).

1992 WL 307294 (I.C.C.)

END OF DOCUMENT

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition to Partially Vacate to be served, by electronic mail or regular U.S. first class mail, postage prepaid, pursuant to 49 C.F.R. §1104.12, this 13th day of July, 2017, on all parties of record on the service list:

Burce Du Fresne
211 W 23Rd Ave
Covington, LA 70433

Mallary M. Collins
PO BOX 889
Lacombe, LA 70445

Carol Cranshaw
PO BOX 94245
Baton Rouge, LA 70804-9245

Kevin Davis
P O BOX 628
Covington, LA 70434

Reinhard J. Dearing
PO BOX 828
Slidell, LA 70459-0828

Steve Stefancik
PO BOX 628
Covington, LA 70434

Suzanne Mayfield Krieger
PO DRAWER 749
Slidell, LA 70459

Hon. Keith J. Villere
P O BOX 778
Covington, LA 70434

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Ave.
Homewood, IL 60430-1339


Sharman D. Loomis