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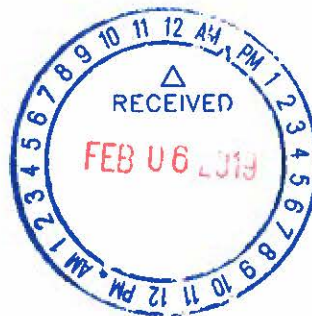
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January 30, 2019

BY CERTIFIED MAIL

Ms. Cynthia T. Brown
Chief of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001



**RE: STB DOCKET NO. AB-1270, Port of Benton, WA,
Adverse Discontinuance of Rail Service,
Tri-City Railroad Company, LLC**

Dear Ms. Brown:

Pursuant to 49 CFR 1152.20(a)(1), I am submitting on behalf of the Port of Benton a copy of its Notice of Intent to file an "adverse" application for discontinuance of rail service over the Port's line by Tri-City Railroad Company, LLC. The application will be filed with the Board within at least 14 days but not more than 30 days from today.

Sincerely yours,

CLARK HILL

A handwritten signature in black ink, appearing to read "John D. Heffner".

John D. Heffner
Senior Counsel

Enclosures

cc: Tri-City Railroad, LLC
Thomas McFarland, Esq.
David Billetdeaux, Esq.

Notice of Intent to File
An Application for Discontinuance
Of Rail Service

BEFORE THE
SURFACE TRANSPORTATION BOARD

PORT OF BENTON, WA
ADVERSE DISCONTINUANCE OF RAIL SERVICE
TRI-CITY RAILROAD COMPANY, LLC

STB DOCKET NO. AB-1270



The Port of Benton (“POB” or “Applicant”) gives notice that on or after February 17, 2019, about it intends to file with the Surface Transportation Board, Washington, DC 20423, an application for permission for the discontinuance of service by the incumbent carrier Tri-City Railroad Company, LLC (“TCRY”) over a line of railroad known as the Southern Connection (“the Line”) extending from railroad milepost 18.84 near Richland Junction to MP 29.73 near Horn Rapids Road, which traverses through United States Postal Service ZIP Codes 99336, 99352, and 99354, a distance of 10.89 miles, in Benton County, Washington. The Line includes the stations of Richland Junction (MP 18.84), Steptoe Street (MP 19.63), Irrigation Canal Bridge (MP 19.74), Columbia Park Trail Overpass (MP 19.96), Yakima River Bridge (MP 21.0), Pedestrian Bike Path (MP 21.14), City Dock (MP 21.51), Jadwin Avenue (MP 22.03), Berry’s Overpass Bridge (MP 22.64), Duportail Street (MP 23.60), Cemetery Road (MP 24.47), Van Giesen

Street (MP 25.45), Airport Way (MP 26.04), Lamb Weston (MP 26.46), ConAgra (no milepost), Saint Street (MP 26.92), State Highway 240 (MP 26.97), TCRY Yard (MP 27.40), N. Ladder (MP 28.59), City Track (MP W28.9), Battelle Blvd. (MP 29.22), and Horn Rapids Road (MP 29.73).

The reason for the proposed discontinuance is that TCRY is in default of its obligations under the lease with POB, the Line's owner, and POB believes this dispute cannot be resolved through negotiations. Accordingly, POB intends to commence an eviction proceeding against TCRY once the Board approves this application. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

To the extent that any railroad employees are adversely affected by this action, the interest of railroad employees will be protected by conditions imposed in *Oregon Short Line Railroad – Abandonment, Goshen Branch*, 360 I.C.C. 91 (1979).

The application, when filed, can be viewed following its filing on the Board's website, www.stb.gov, or a copy can be obtained from POB's counsel, whose name and address appear below. The application will include the applicant's entire case for discontinuance. Any interested person, after the application is filed on or about February 17, 2019, may file with the Surface

Transportation Board written comments concerning the proposed discontinuance or protests to it identifying it by the proceeding's docket number. These filings are due 45 days from the date of filing of the application. Persons who may oppose the discontinuance 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 opposing the proposed discontinuance 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) the protestant's name, address and business; (2) the protestant's interest in the proceeding including their use of the Line or the public interest represented; (3) the protestant's reasons for protesting or commenting on the proposed discontinuance including their reliance on the involved service; and (4) any rebuttal of material submitted in the application.

Comments or protests need to be notarized or verified, and an unbound original and ten copies are required to be filed with the Secretary of the Board, at 395 E Street, S.W., Suite 100, Washington, D.C. 20024, together with a certificate of service attesting that copies of the comments or protests have been served on Applicant's counsel in this matter, John D. Heffner, Clark Hill, PLC, 1001 Pennsylvania Ave., N.W., Suite 1300 South, Washington, D.C. 20004 or jheffner@clarkhill.com and Eric Hocky, Clark Hill, PLC, 2005 Market Street,

Philadelphia, PA 19103 or ehocky@clarkhill.com. Written comments and protests must indicate the docket number, STB AB-1270.

Except as otherwise set forth in 49 CFR §1152, each document filed with the Board must be served on all parties to the discontinuance proceeding. 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 discontinuance 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 § 1152.25.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Government Assistance and Compliance at (202) 245-0230 or refer to the text of the discontinuance regulations at 49 CFR §1152.1 *et seq.*