

SERVICE DATE – LATE RELEASE OCTOBER 31, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-994X

KETTLE FALLS INTERNATIONAL RAILWAY, LLC–
ABANDONMENT EXEMPTION–IN FERRY COUNTY, WA

Decided: October 31, 2008

By decision and notice of interim trail use or abandonment (NITU) served on October 11, 2006, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by Kettle Falls International Railway, LLC (KFR), of 28.361 miles of railroad extending from milepost 48.779, near Danville, to milepost 77.14, at San Poil, in Ferry County, WA, subject to trail use, public use, environmental, and standard employee protective conditions. The decision authorized the Ferry County Board of Commissioners (County) 180 days to negotiate with KFR for public use or interim trail use/rail banking for the line.¹ By decisions served on May 9, 2007, November 5, 2007, and April 18, 2008, the negotiating period was extended through October 31, 2008. In this decision, the Board is granting a request by the County to extend the negotiating period until December 19, 2008.

On October 21, 2008, the County filed a request to extend the trail use negotiating period 49 days, until December 19, 2008. The County states that the parties recently completed a revision of the trail use contract, and that the extension is necessary to afford the public a final opportunity to comment on the revisions. The County also states that KFR consents to the request for an extension.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).² Accordingly, the NITU negotiating period will be extended until December 19, 2008.

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

¹ The public use condition expired on May 9, 2007, and cannot be extended.

² See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The County's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended until December 19, 2008.
3. This decision is effective on the date of service.

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

Anne K. Quinlan
Acting Secretary