



SURFACE TRANSPORTATION BOARD

Notice of Application to Abandon
AB Docket No. 600

**YAKIMA INTERURBAN LINES ASSOCIATION - ADVERSE ABANDONMENT
in YAKIMA COUNTY, WASHINGTON**

209971
ENTERED
Office of Proceedings

JAN 28 2004

Part of
Public Record

On January 28, 2004, Kershaw Sunnyside Ranches, Inc. filed with the Surface Transportation Board, Washington, D.C. 20423, an amended application of approximately one mile of railroad known as the Naches Line, which consists of approximately 11.29 miles of rail line between milepost 2.97, at Fruitvale, WA, and milepost 14.26, at Naches, WA. That portion of the line sought to be abandoned is described in the original right of way deed recorded in 1905 as follows:

Said strip of land being a certain strip of land seventy five feet wide across the E.2 of S.W. 4 and the S.W. 4 of S.E 4 of section 24 twp. 14 N. R. 17 E.W.M. Also the N.W. 4 of the N.W. 4 of Section 25 twp. 14 N.R. 17 E.W.M. being a strip of land seventy five feet (75) in width 37½ feet on each side of the center line the railroad of said company as the same is now located and staked out across said premises together with any and all additional widths that may be necessary to catch the slopes of the cuts and fills of the roadbed of said railroad. . .

The line traverses United States Postal Service ZIP Code 98908 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in the applicant's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment was filed with the application.

This line of railroad has does not appear on the railroad's system diagram map nor has been included in its narrative in category 1.

The railroad does not have employees.

Any interested person may file with the Surface Transportation Board written comments concerning the proposed abandonment or protests (including the protestant's entire opposition case), within 45 days after the application is filed. All interested persons should be aware that following any abandonment of rail service and salvage of the line, 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 (§ 1152.28 of the Board's rules) and any request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules) must be filed within 45 days after the application is filed. Persons who may oppose the abandonment or 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 interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment or discontinuance that do wish to participate actively and fully in the process should file a protest.

In addition, a commenting party or protestant may provide:

- (i) An offer of financial assistance, pursuant to 49 U.S.C.10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);
- (ii) Recommended provisions for protection of the interests of employees;
- (iii) A request for a public use condition under 49 U.S.C. 10905; and
- (iv) A statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C.1247(d) and § 1152.29.

Parties seeking information concerning the filing of protests should refer to § 1152.25. Written comments and protests, including all requests for public use and trail use conditions, must indicate the proceeding designation STB No. AB-600 and should be filed with the Secretary, Surface Transportation Board (Board), Washington, DC 20423, no later than March 13, 2004. Interested persons may file a written comment or protest with the Board to become a party to this abandonment (or discontinuance) proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant, Velikanje, Moore and Shore, P.S., 405 East Lincoln Ave., P.O. Box 22550, Yakima, WA 98907, (509) 248-6030. The original and 10 copies of all comments or protests 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 CFR 1104.12(a).

The line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is Paul D. Edmondson, 313 North 3rd Street, Yakima, Washington.

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

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section 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 Section 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.