

LAW OFFICES OF
HALVERSON APPLGATE P.S.
311 NORTH FOURTH STREET
P.O. BOX 22730
YAKIMA, WASHINGTON
98907-2715

TELEPHONE:
509-575-6611

E-MAIL:
haps@halversonlaw.com

FACSIMILE:
509-457-2419



ATTORNEYS AT LAW

Lawyers for
Central Washington

GREGORY S. LIGHTY
E-MAIL: GLIGHTY@HALVERSONLAW.COM

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Public Record



February 10, 2004

Honorable Vernon Williams
Secretary, Surface Transportation Board
1825 "K" Street, N.W.
Washington, D.C. 20423-0001

Re: Yakima Interurban Lines – Adverse Abandonment in Yakima County, WA
AB 600

Dear Mr. Williams:

Please enter my appearance in this proceeding on behalf of the Town of Naches.

The rail line at issue in this proceeding extends from near the City of Yakima to the Town of Naches in Yakima County, Washington. The Town of Naches wants the rail line preserved for public use. Abandonment of the rail line would have a significant adverse impact on rural and community development, including public convenience and necessity.

Yakima County, City of Yakima, Level 3 Communications, and the Washington Attorney General's Office have all filed objections or joined in objections to the adequacy of the original adverse abandonment application filed by Kershaw Sunnyside Ranches ("Kershaw"), and have opposed Kershaw's request for a waiver of certain requirements ordinarily governing applications for abandonment. It appears that Kershaw has now filed an amended application for adverse abandonment, and has attempted to remedy some of the deficiencies. The Town of Naches believes that key deficiencies still remain. We therefore join with the other parties in objecting to the adequacy of the application, even as now amended and the waivers.

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I hereby certify service of the foregoing by U.S. Mail, postage prepaid, first class and by facsimile on February 10, 2004, upon the following:

Sara Wixson (For Kershaw)
Velikanje, Moore & Shore, P.S.
P.O. Box 22550
Yakima, WA 98907
Fax: (509) 453-6880

Jeanne A. Cushman (For Washington D.O.T.)
Office of the Attorney General
Transportation and Public Construction Div.
905 Plum Street, Building 3
P.O. Box 40113
Olympia, WA 98504-0113
Fax: (360) 586-6847

Charles H. Montange (For Yakima County)
426 NW 162nd Street
Seattle, WA 98177
Fax: (206) 546-3739

Heidi L. Evatt (For Level 3 Communications, LLC)
Mark C. Laughlin
Fraser, Stryker, Meusby, Olson, Boyer & Bloch, P.C.
500 Energy Plaza
409 S. 17th Street
Omaha, NE 68102
Fax: (402) 341-8290

Ray Paoletta, City Attorney (For City of Yakima)
Legal Department City of Yakima
200 S. Third Street
Yakima, WA 98901-2830
Fax: (509) 575-6160

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In particular, the Kershaw's adverse abandonment application seeks authorization for abandonment of a short segment of the rail line in the middle of the line. Such abandonment would sever the line near the Town of Naches and between the Town of Naches and the City of Yakima. This Board should view the removal of one mile in the middle of a line as an illegal de facto abandonment of all of the remaining line after the point of removal, and perhaps (depending on the circumstances) of the entire line. This Board should not tolerate an adverse abandonment applicant attempting to do here what a railroad regulated by this Board could not lawfully do. Kershaw's application, even as amended, must be dismissed for this reason alone. Kershaw's application is all the more objectionable in that it comes at a time when the Washington State Department of Transportation has been working with Yakima County to restore freight service to this line.

The Town of Naches, in the year 2003, received a grant for the Naches Depot and Trail project for architectural and engineering services through the United States Department of Agriculture. The Town is also competing for grants through the Federal Byways Program for the construction of this project. This project integrates rail, trail and shuttle services. These projects are only possible with the partnership of the Yakima Interurban Lines Association. The abandonment of the line would have an adverse impact on future community development. The Town of Naches is expanding its Urban Growth Boundaries to properties that have commercial interest in the rail line.

The Town of Naches joins the other parties in objecting to the adequacy of the application for adverse abandonment, including the application as amended, and in opposing the waivers for the reasons stated herein and by the other parties. This Board should not entertain an application to abandon one mile in the center of a rail line.

Respectfully submitted,



Gregory S. Lighty
Town Attorney
Town of Naches