

216862
**FERRY COUNTY
BOARD OF COMMISSIONERS**

290 EAST TESSIE AVENUE
REPUBLIC, WASHINGTON 99166
TELEPHONE (509) 775-5229 · FAX (509) 775-5230

BRAD L. MILLER, Curlew, District 1
RONALD L. BACON, Republic, District 2
MIKE L. BLANKENSHIP, Boyds-District 3

JOY OSTERBERG, Clerk of the Board
joy@co.ferry.wa.us

May 23, 2006

Secretary Vernon Williams
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001



RE: Enclosed Request sent without filing fee. Kettle falls International Railway, LLC Abandonment Exemption in Ferry County Washington, STB Docket No AB-994 (Sub-No. IX)

Dear Secretary Williams,

Enclosed you will find a request for issuance of a public use condition/Interim Trail Use condition on the above referenced Docket No. AB-994 (Sub-No. IX).

I respectfully ask that you accept said request for consideration without the \$200.00 filing fee because I am making it on behalf of our county governing board, the Ferry County Board of Commissioners of which I am the Chairman, referenced in said request. The other Commissioners on the Board are Commissioner Brad Miller and Commissioner Ron Bacon.

I am sending this cover letter for the purpose of clarification.

Thank you for your consideration in this matter.

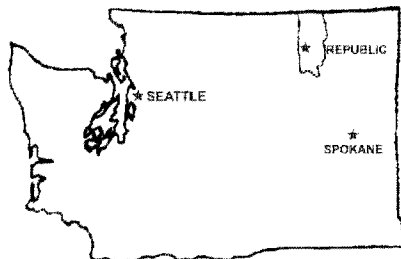
FERRY COUNTY BOARD OF COMMISSIONERS


MIKE L. BLANKENSHIP, Chairman

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FERRY COUNTY BOARD OF COMMISSIONERS

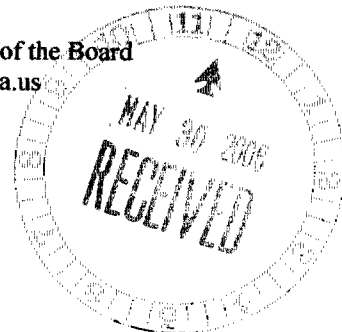
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Secretary Vernon Williams
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001



RE: Kettle Falls International Railway, LLC Abandonment Exemption in, Ferry County Washington, STB Docket No. AB-994 (~~SUB No. 1X~~)

Dear Secretary Williams,

This request is filed by the Ferry County Board of Commissioners, which is a governing agency interested in transportation/utilities, and recreation hereinafter referred to as, "proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 48.779 near Danville, Washington and milepost 77.381 near San Poil Washington.

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically public utilities use and/or trail use and to place the following conditions on the abandonment:

An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: the rail corridor in question is the only fairly straight and level contiguous route between the Ferry County seat, Republic and all points north in the mountainous terrain to the Canadian border; the rail corridor in question would make an excellent public utilities route and/or trail and conversion of the property to these uses is in accordance with local plans. In addition, the corridor provides important open space and wildlife habitat and it's preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble and review title information, complete a trail/utilities plan, and to begin negotiations with the carrier.

An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts, and tunnels. The justification for this condition is that these structures have considerable value for public utilities/recreational trail uses. The time

period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, proponent also makes the following request:

FERRY COUNTY, WASHINGTON IS WILLING TO ACCEPT FINANCIAL RESPONSIBILITY FOR THE RAILROAD RIGHT-OF-WAY.

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C.

1247 (d) and 49 CFR 1152.29, Ferry County is willing 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 the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Kettle Falls International Railway, LLC.

The property known as the Kettle Falls International Railway, LLC extends from railroad milepost 44.779 near Danville, Washington to railroad milepost 77.381 near San Poil, Washington a distance of 32.6 miles in Ferry County. The right-of-way is part of a line of railroad proposed for abandonment exemption in STB Docket No. AB-994 (Sub-No. 1X),

A map depicting the right of way is attached.

Proponent acknowledges that use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Kettle Falls International Railway, LLC, 50 South Steele Suite 250 Denver, CO 80209 by U.S. Mail, postage pre-paid, first class.

Dated this 23rd day of May 2006.

Respectfully submitted,

FERRY COUNTY BOARD OF COMMISSIONERS



MIKE L. BLANKENSHIP, Chairman

Cc: Kettle Falls International Railway, LLC

