

Case

Docket No.

Title

AB 508 0 X

THE LAND CONSERVANCY OF SEATTLE AND KING COUNTY-ABANDONMENT
EXEMPTION-KING COUNTY WASHINGTON

Decision Summary

INSTITUTED AN EXEMPTION AND ESTABLISHED A PROCEDURAL SCHEDULE.

Docket No.

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27952

SERVICE DATE - JULY 1, 1997

SEC

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-508X]

The Land Conservancy of Seattle and King County--Abandonment Exemption--in King County, WA

On June 11, 1997, The Land Conservancy of Seattle and King County (TLC) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-05(1)

to abandon a line of railroad known as the Sammamish or Issaquah Branch, extending from milepost 7.30 near Redmond to the end of the line at milepost 19.75 in Issaquah, which traverses U.S. Postal Service ZIP Codes 98027, 98029, 98052 and 98053, a distance of 12.45 miles, in King County, WA. TLC has indicated that there are no stations on the line.

TLC states that the line contains approximately 1 mile of federally granted right-of-way. Any documentation in TLC's possession will be made available promptly to those requesting it.

In this proceeding, TLC is proposing to abandon a line that constitutes its entire rail system. In issuing abandonment authority for a railroad line that constitutes the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. See Northampton and Bath R. Co.--Abandonment, 354 I.C.C. 784, 785-86 (1978) (Northampton). Therefore, if the Board grants the

petition for exemption, in the absence of a showing that one or more of the exceptions articulated in Northampton are present, under Board policy no labor protective conditions would be imposed.

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by September 29, 1997.

Unless an exemption is granted, as sought, from the OFA provisions of 49 U.S.C. 10904, any OFA under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$900 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that following 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 CFR 1152.28 and any request for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 21, 1997. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).(2)

All filings in response to this notice must refer to STB Docket No. AB-508X and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) Charles H. Montange, 426 NW 162d Street, Seattle, WA 98177.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 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 (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA 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 SEA. EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: June 23, 1997.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams

Secretary

1. TLC seeks exemptions from the offer of financial assistance (OFA) requirements of 49 U.S.C. 10904 and the public use requirements of 49 U.S.C. 10905. Exemptions from 49 U.S.C. 10904-05 have been granted from time to time, but only when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service.

2. TLC submits, as Exhibit A to its petition, a trail use request executed by King County Department of Parks and Recreation (King County Parks). Because King County Parks is a state government entity, the filing fee is waived. 49 CFR 1002.2(e)(1).