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SERVICE DATE - APRIL 5, 2000

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-6 (Sub-No. 380X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
--ABANDONMENT EXEMPTION--IN KING COUNTY, WA

Decided: March 31, 2000

In a decision served May 13, 1998,¹ the Board granted The Burlington Northern and Santa Fe Railway Company (BNSF) an exemption to abandon a 12.45-mile line of railroad between milepost 7.3, near Redmond, and milepost 19.75, at Issaquah, in King County, WA (the Redmond-Issaquah Line), subject to labor protective and environmental conditions.

On September 18, 1998, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for The Land Conservancy of Seattle and King County (TLC) and King County (King County) to negotiate an agreement with BNSF to assume financial responsibility for and become interim trail manager for the right-of-way.²

On March 9, 2000, the City of Issaquah, WA (City) and TLC jointly filed a letter requesting the Board to vacate the existing NITU and issue an appropriate replacement NITU substituting the City in lieu of TLC as the interim trail manager for the southerly 1.55 miles of rail corridor between milepost 18.2 and milepost 19.75 (the Issaquah segment), pursuant to 49 CFR 1152.29(f).³

Petitioners have submitted a copy of the extant NITU and a statement of willingness to assume financial responsibility by the new trail manager. The parties have also requested that responsibility for the Issaquah segment be transferred to the City effective no later than April 7,

¹ The proceeding was handled on a consolidated record with The Land Conservancy of Seattle and King County--Acquisition and Operation Exemption--The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 33389; and The Land Conservancy of Seattle and King County--Abandonment Exemption--In King County, WA, STB Docket No. AB-508X.

² According to petitioners' representative, TLC and King County reached agreements rail banking the rail corridor as follows: (1) from milepost 7.3 to approximately milepost 18.2, King County is the interim trail manager; and (2) from milepost 18.2 to the end of the line at milepost 19.75, TLC is the interim trail manager.

³ King County will remain the interim trail manager for the northerly Redmond segment.

2000.⁴ By letter filed March 24, 2000, BNSF states that it does not object to substitution of the City as trail manager for the portion of the rail corridor between milepost 18.2 and milepost 19.75.

Petitioners' submission is in compliance with the requirements of section 1152.29(f). Therefore, this proceeding will be reopened and the requested relief will be granted.

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

It is ordered:

1. This proceeding is reopened.
2. The decision and notice of interim trail use or abandonment (NITU) served September 18, 1998, is vacated.
3. A replacement NITU designating the City as the new trail manager for the Issaquah segment (and with King County continuing as the trail manger for the Redmond segment) is issued, effective on the service date of this decision.
4. The new trail user is required to assume, for the term of the agreement, 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 the payment of any and all taxes that may be levied or assessed against the right-of-way.
5. Interim trail use/rail banking is subject to the future restoration of rail service and to the new user continuing to meet the financial obligations for the right-of-way.

⁴ Petitioners state that they have agreed that TLC will continue to act as the interim trail manager until such time as the City replaces TLC.

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6. If the new trail user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that trail use be vacated on a specified date.

7. This decision is effective on its service date.

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

Vernon A. Williams
Secretary