

SERVICE DATE – JULY 6, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-600 (Sub-No. 1X)

YAKIMA INTERURBAN LINES ASSOCIATION—ABANDONMENT  
EXEMPTION—IN YAKIMA COUNTY, WA

Decided: July 6, 2007

Yakima Interurban Lines Association (YILA) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad known as the Naches Branch, from milepost 2.97 (Fruitvale, near Yakima) to milepost 14.26 (near Naches), a distance of approximately 11.29 miles in Yakima County, WA. YILA also sought exemption from the offer of financial assistance (OFA) procedures at 49 U.S.C. 10904. Additionally, a request on behalf of Yakima County (County) for issuance of a notice of interim trail use (NITU) was filed with the notice, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). On January 19, 2006, notice of the exemption was served and published in the Federal Register (71 FR 3153-54).

By decision served on February 17, 2006, the Board imposed seven environmental conditions recommended by the Board's Section of Environmental Analysis (SEA), including a section 106 historic preservation condition. By decision and notice served on April 5, 2006, a NITU was issued authorizing the County to negotiate an interim trail use/rail banking agreement with YILA for 180 days, until October 2, 2006.<sup>1</sup> On September 21, 2006, a decision was served that extended the negotiating period under the NITU to March 31, 2007.

On February 26, 2007, the County, with YILA's consent, requested an extension of the NITU negotiating period for an additional 180 days. In a status report filed on March 21, 2007, the County, City of Yakima, Town of Naches, and YILA notified the Board that, on March 19, 2007, YILA and the County had reached an agreement for interim trail use and for the acquisition of the Naches Branch from YILA. Nevertheless, the four parties requested that the Board extend the negotiating period for an additional 180 days to provide time for the parties to work out four contingencies in the agreement. On May 7, 2007, the Board granted the extension of the NITU negotiating period until September 27, 2007, to ensure, among other things, the completion of the section 106 consultation process.

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<sup>1</sup> In the same decision, the abandonment authorization became effective on the April 5 service date, subject to the environmental conditions imposed in the February 17 decision.

On June 28, 2007, the Board received a letter from the County and YILA, informing the Board that YILA transferred the Naches Branch to the County, pursuant to the Trails Act and the Board's authorizations under 49 CFR 1152.29. However, the parcels covered by the section 106 condition were excepted from the transfer.<sup>2</sup> The County and YILA stated that the parcels governed by the section 106 condition would be transferred when the Board removes the section 106 condition.<sup>3</sup>

SEA received a letter from the Washington State Department of Archaeology and Historic Preservation (State Historic Preservation Office or SHPO) dated March 2, 2007, expressing support for Yakima County's goals to preserve the rail corridor, reinstate rail service, and enter into a trail use agreement for the purpose of establishing pathways within the rail corridor. The SHPO has determined that the current project, as proposed, would have no adverse effect on National Register eligible or listed historic and cultural resources as a result of the undertaking.

Therefore, SEA recommends that the historic preservation condition imposed in the February 17, 2006 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

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 section 106 historic preservation condition imposed in the decision served on February 17, 2006, is removed.

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<sup>2</sup> YILA and the County state that, because of the transfer of Naches Branch, the NITU automatically extends indefinitely. This is not correct. The purpose of the NITU is to prevent the carrier seeking abandonment—here, YILA—from consummating abandonment while the railroad negotiates an agreement with the rail banking proponent. When the agreement is signed, the NITU is typically no longer necessary because the agreement usually precludes the railroad from consummating the abandonment.

<sup>3</sup> In the same letter, the County and YILA stated that all lienholders, except Washington State Department of Transportation, have been satisfied.

3. This decision is effective on the service date of this decision.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary