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SERVICE DATE – MAY 9, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-994X

KETTLE FALLS INTERNATIONAL RAILWAY, LLC–  
ABANDONMENT EXEMPTION–IN FERRY COUNTY, WA

Decided: May 8, 2007

By decision and notice of interim trail use or abandonment (NITU) served on October 11, 2006, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Kettle Falls International Railway, LLC (KFR), of 28.361 miles of railroad extending from milepost 48.779, near Danville, to milepost 77.14, at San Poil, a distance of 28.361 miles, in Ferry County, WA, subject to trail use, public use, environmental, and standard employee protective conditions. The decision authorized the Ferry County Board of Commissioners (County) 180 days to negotiate with KFR for public use or interim trail use/rail banking for the line.

On April 17, 2007, the County filed a request to extend the trail use negotiating period an additional 180 days (until November 5, 2007).<sup>1</sup> The County states that the parties have already exchanged a draft contract and comments, and that KFR is preparing another draft for review. The County also states that delays have occurred while the parties consulted with BNSF Railway Company (BNSF) about certain interests BNSF may have retained in the property. KFR, in a letter filed on April 26, 2007, consents to the request for an extension.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>2</sup> Accordingly, the NITU negotiating period will be extended for an additional 180 days from May 9, 2007 (until November 5, 2007).

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

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<sup>1</sup> The public use condition expires on May 9, 2007, and cannot be extended.

<sup>2</sup> See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The County's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until November 5, 2007.
3. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary