

FILED

DEC 30 2005

**SURFACE
TRANSPORTATION BOARD**

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29 December 2005

ENTERED
Office of Proceedings

DEC 30 2005

Part of
Public Record

Hon. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: YILA -- Abandonment Exemption --
Yakima County, WA, AB 600 (Sub-no. 1X)

for filing: Notice of Exemption and
statement of willingness ✓

Dear Mr. Williams:

1. Notice of Exemption. On behalf of Yakima Interurban Lines Association (YILA), enclosed for filing in the above-captioned proceeding please find an original and ten copies of a Notice of Exemption for Abandonment of the Naches Branch from MP 2.79 near Yakima to MP 14.26 (end of line) near Naches.

Also enclosed is a check furnished by Yakima County in the amount of \$3000 for the filing fee.

✓ 2. Statement of Willingness. On behalf of Yakima County, enclosed for filing in the above-captioned proceeding, please find the original and ten copies of a Resolution adopted by the County Commissioners and a "Statement of Willingness" pursuant to 49 C.F.R. 1152.29 with respect to the aforementioned line.

YILA consents to negotiate a railbanking/interim trail use agreement with Yakima County, as indicated in the Notice of Exemption. I hereby confirm this consent as counsel for YILA.

49 C.F.R. § 1002.2(f)(1) states that filing fees "are waived for an application or other proceeding which is filed by ... a state or local government entity." Yakima County is a local government entity. The "statement of willingness" filed herewith on behalf of Yakima County is accordingly fee exempt, and to the extent a motion for same is required, Yakima County by this letter so moves.

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By my signature below, I certify that copies of the statement of willingness have been served upon YILA with receipt by its counsel on or before December 27, 2005. The Notice of Exemption has been reviewed electronically by representatives of Yakima County and the City of Yakima prior to filing, but by my signature below, I also certify service on counsel for Yakima County, City of Yakima and Town of Naches, by U.S. Mail, postage pre-paid, first class, on the date of this letter.

Thank you for your assistance in this matter.

Very truly,



Charles Montange
for YILA and Yakima County

Encls.

cc. Terry Austin, Esq. (for County)
Ray Paoella, Esq. (for City)
Gregory Lighty, Esq. (for Town)
Paul Edmondson, Esq. (for YILA)
w/encls.

BOARD OF YAKIMA COUNTY COMMISSIONERS

IN THE MATTER OF PRESERVING THE)
PORTION OF THE NACHES RAIL)
CORRIDOR OWNED BY YAKIMA) Resolution No. 743-2005
INTERURBAN LINES ASSOCIATION)
THROUGH THE FEDERAL RAILBANKING)
PROGRAM)

WHEREAS, the Naches rail corridor from the vicinity of N. 40th Avenue and Fruitvale Boulevard in the City of Yakima to the Town of Naches is owned by Yakima Interurban Lines Association (YILA); and

WHEREAS, on December 12, 2005, YILA published a notice of intent to abandon rail service and stating its intention to file with the federal Surface Transportation Board (STB) on or about December 30, 2005, a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, which would permit the abandonment of service on the 11.29-mile line between railroad milepost 2.97 near Yakima and milepost 14.26 near Naches; and

WHEREAS, said rail corridor is a significant community asset and it is worthy and appropriate to preserve it for future public uses, including rail and/or trail usage; and

WHEREAS, in March 2004 Yakima County submitted a joint protest to the STB opposing a proposed adverse abandonment, and proposed in collaboration with the City of Yakima, Town of Naches, and YILA a strategy to preserve said rail corridor for future public use through the federal railbanking program; and

WHEREAS, Yakima County applied for and received a \$40,000 SIED grant to pay the costs associated with railbanking said rail corridor; and

WHEREAS, it is appropriate to preserve said rail corridor for future public use through the federal railbanking program; and

WHEREAS, Yakima County is collaborating with the City of Yakima, Town of Naches, and YILA to achieve railbanked status for said rail corridor; now therefore

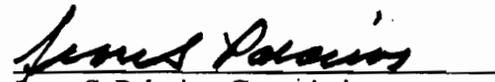
BE IT HEREBY RESOLVED by the Board of Yakima County Commissioners that the Chairman is authorized and directed to sign the attached Statement of Willingness to Assume Financial Responsibility and submit same to the STB in the docket that YILA has initiated; and

BE IT FURTHER RESOLVED that the Chairman is further authorized to sign and file with STB other documents related to effecting railbanked status for said rail corridor; and

BE IT FURTHER RESOLVED that up to \$5,500 in SIED grant funds is hereby authorized for expenditure for STB filing and related attorneys' fees.

Dated this 15th day of December, 2005.


Ronald F. Gamache, Chairman


Jesse S. Palacios, Commissioner

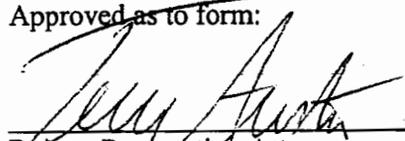
Attest: Jennifer Adams


Deputy Clerk of the Board

Excused

Michael D. Leita, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

Approved as to form:


Deputy Prosecuting Attorney



BEFORE THE SURFACE TRANSPORTATION BOARD

Yakima Interurban Lines Association)
Exemption -- Naches to Yakima,) AB-600 (Sub-no. 1X)
in Yakima County, WA)

Statement of Willingness to Assume
Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Yakima County ("County" or "interim Trail User"), is willing to assume full responsibility for management of, for any legal liability arising out 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 and operated by Yakima Interurban Lines Association ("Railroad" or "YILA"). The property extends from MP 2.97 near Yakima to MP 14.26 near Naches, a distance of 11.29 miles in Yakima County, Washington. The right of way is part of a line proposed for abandonment in Docket AB-600 (Sub-no. 1X).

A map depicting the property is attached.

Interim Trail User acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.



Ronald F. Gamache, Chairman
Board of County Commissioners for Yakima
County, Washington
128 N. Second Street
Yakima, WA ~~9901~~ 98901
509-574-1500

cc. Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
counsel for YILA

Milepost 14.26

Yakima InterUrban Lines Association

Milepost 2.97

YAKIMA COUNTY
GEOGRAPHIC INFORMATION SERVICES

Yakima InterUrban
Lines Association
(YILA)



Railroads



1" = 1.1 miles



Yakimap.com

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County cannot accept responsibility for any errors.
Therefore, there are no warranties for this product.