



COUNTY COMMISSIONERS

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PUBLIC WORKS

An Accredited Agency of the
American Public Works Association

Ramiro A. Chavez, P.E., PgMP
Director

May 24, 2016

240792

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E. Street SW
Washington DC 20423-0001

ENTERED
Office of Proceedings
May 27, 2016
Part of
Public Record

RE: BNSF Railway Company Abandonment in Thurston County, Washington, STB Docket No. AB 6
(Sub-No. 492X)

Dear Ms. Brown;

Attached for filing are the original and ten (10) copies of a Request for Public Use Condition and Request for Interim Trail Use by Thurston County (Public Works) in the captioned case. No filing fee is enclosed as it is waived for units of local government under Title 49 CFR §1002.2(e)(1).

Please time and date stamp the extra copy and return the same to my office in the self-addressed stamped envelope.

Please contact me should you have any questions or concerns.

Sincerely,



Ramiro A. Chavez, P.E., PgMP

Cc: Karl Morrell

FILING FEE WAIVED



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RE: BNSF Railway Company Abandonment in Thurston County, Washington, STB Docket No. AB 6
(Sub-No. 492X)

This request is filed on behalf of Thurston County (Public Works), which is a unit of local government in the State of Washington, interested in transportation, natural resources, recreation, utilities and solid waste hereinafter referred to as "proponent". Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between Milepost 14.57 near 66th Ave SW, Tumwater WA 98512 and Milepost 16 near 81st Ave SW, Olympia WA 98512, Thurston County, Washington.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment.

1. An order prohibiting the carrier from disposing of the corridor, other than the tracts, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is:

Thurston County currently owns 12.5 mile of rail banked right of way (ROW) immediately south of the proposed 1.43 mile ROW abandonment. The proposed abandonment will allow the County to extend its trail northward to nearby Kenneydell Park (near 66th Avenue SW). This abandonment will create a logical termini for future trail development while meeting the goals in the Thurston County Parks and Recreation Plan and Thurston Regional Trails Plan.

The time period sought is 180-days from the effective date of the abandonment authorization. Proponent needs this much time to assemble or to review title information, complete a trail plan, and begin negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180-days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R §1152.29, Thurston County (Public Works) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by BNSF Railway Company.

The property, known as the BNSF Railway extends from Railroad Milepost 14.47 near 66th Ave SW, Tumwater WA 98512 to Railroad Milepost 16 near 81st Ave SW, Olympia WA 98512; a distance of 1.43 miles in Thurston County, Washington. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 6 (Sub-No. 492X).

A map depicting the right-of-way is attached.

Thurston County (Public Works) 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.

By my signature below, I certify service upon BNSF Railway Company, by U.S. Mail, postage prepaid, first class, this 24th day of May, 2016.

Respectfully Submitted,



Ramiro A. Chavez, P.E., PgMP

Cc: Karl Morrell



62ND AVE SW
E SW

BLACK LAKE

FAIRVIEW RD SW

66TH AVE SW

70TH AVE SW

81ST AVESW

81ST AVESW

LITTLE ROCK RD SW

