



MALHEUR COUNTY

COUNTY COURT

251 B Street West, #5 ■ Vale, Oregon 97918 ■ (541) 473-5124 ■ Fax (541) 473-5168

220563

October 22, 2007

The Honorable Vernon Williams
Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

OCT 23 2007

Part of
Public Record



RE. Docket No. AB-33 (Sub-No 247X)--Abandonment of the Homedale Industrial Lead

Dear Secretary Williams

This request is filed on behalf of the Malheur County Court, which is the government agency interested in transportation in the area affected by the above referenced abandonment, hereinafter referred to as "proponent "

Proponent requests issuance of a Public Use Condition rather than an outright abandonment between MP 6.35 and MP 8.16

Request for Public Use Condition

Proponent asks the STB to find that the identified property is suitable for other public use, specifically an existing public road, a portion of which is currently under lease from the Union Pacific Railroad (UPRR), and to place the following conditions on the abandonment

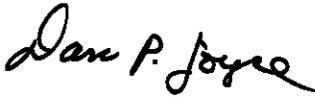
1 An Order prohibiting the carrier from disposing of that portion of the corridor, specified above, other than the tracks, ties and signal equipment Malheur County and the Nyssa Road District are beginning negotiations with UPRR to acquire a permanent easement and is hopeful that negotiations will be successful However, given that UPRR is requesting a Petition to Exempt the Abandonment, the time to negotiate before the effective date of the abandonment is very brief For

that reason, the Proponent believes it is prudent to ask the STB for 180 days to negotiate the permanent easement

2 An Order barring removal of any shared structures, such as culverts, within the specified corridor without consultation with the County Engineer The justification for this condition is that certain shared structures are critical for maintaining the existing roadway The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above

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

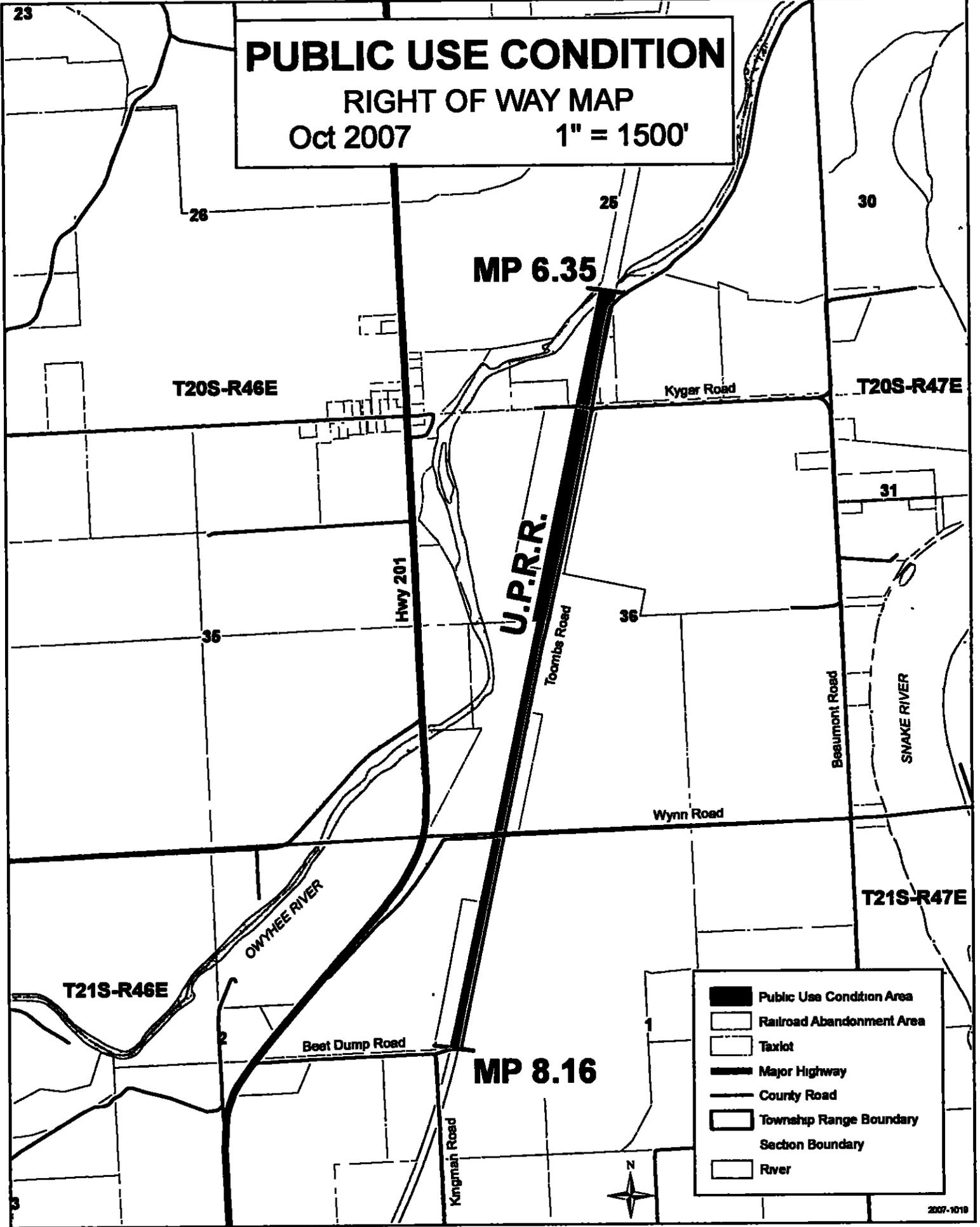
Respectfully submitted,

A handwritten signature in black ink that reads "Dan P. Joyce". The signature is written in a cursive, flowing style.

Dan P. Joyce

Malheur County Court Judge

Attachment



PUBLIC USE CONDITION
RIGHT OF WAY MAP
 Oct 2007 1" = 1500'

MP 6.35

U.P.R.R.

MP 8.16

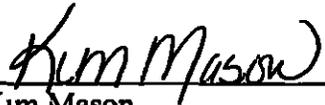
-  Public Use Condition Area
-  Railroad Abandonment Area
-  Taxlot
-  Major Highway
-  County Road
-  Township Range Boundary
-  Section Boundary
-  River

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Request for Public Use in the Docket No . AB 33(Sub-No 247X) for the Homedale Industrial Lead in Malheur County, Oregon was served by first class mail on the 22nd day of October, 2007 on the following

1-
1 UNION PACIFIC RAILROAD COMPANY
Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179

Dated this 22nd day of October, 2007



Kim Mason