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THOMAS F. MCFARLAND

June 22, 2009



By certified mail

Anne K. Quinlan, Esq.  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W., Suite 100  
Washington, DC 20024

ENTERED  
Office of Proceedings

JUL 1 - 2009

Part of  
Public Record

Re: Docket No. AB-1035, *Lake County, Oregon -- Adverse Discontinuance of Rail Service -- Modoc Railway and Land Company, LLC and Modoc Northern Railroad Company*

Dear Ms. Quinlan:

Hereby transmitted for filing in the above proceeding are the original and ten copies of Lake County, Oregon's Notice of Intent to File an Application for Adverse Discontinuance of Rail Service.

The Notice of Intent is being served on the entities listed in 49 C.F.R. § 1152.20(a)(2).

Kindly acknowledge receipt by date-stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Lake County, Oregon*

**THOMAS F. MCFARLAND**

Anne K. Quinlan, Esq.

June 22, 2009

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cc: Cornerstone Industrial Minerals Corporation, USA  
The Collins Companies  
Hon. Arnold Schwarzenegger, Governor of California, *by certified mail*  
Hon. Ted Kulongoski, Governor of Oregon, *by certified mail*  
California Department of Transportation  
Oregon Department of Transportation  
California Cooperative Extension Service  
Oregon Cooperative Extension Service  
United States Department of Transportation - Federal Railroad Administration  
United States Department of Defense - Military Traffic Management Command,  
Transportation Engineering Agency, Railroads for National Defense Program  
United States Department of the Interior - Recreational Resources Assistance Division,  
National Park Service  
United States Railroad Retirement Board  
United States Department of Agriculture, Chief of the Forest Service

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423

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STB Docket No. AB-1035

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**LAKE COUNTY, OREGON**  
**-- ADVERSE DISCONTINUANCE OF RAIL SERVICE --**  
**MODOC RAILWAY AND LAND COMPANY, LLC AND**  
**MODOC NORTHERN RAILROAD COMPANY**

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**NOTICE OF INTENT TO FILE AN APPLICATION FOR**  
**ADVERSE DISCONTINUANCE OF RAIL SERVICE**

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LAKE COUNTY, OREGON (“the County”) (hereinafter “Applicant”) gives notice that on or about July 10, 2009, it intends to file with the Surface Transportation Board (“the Board”), Washington, D.C. 20423, an application seeking adverse discontinuance of the rail service of Modoc Railway and Land Company, LLC (MR&L) and Modoc Northern Railroad Company (MNRR) over a 55.41-mile rail line between Milepost 456.89 at or near Alturas, California and Milepost 512.30 at or near Lakeview, Oregon (Alturas-Lakeview Line). The affected railroad line is situated in U.S. Postal Zip Codes 96101, 96108, 97630 and 97635. The Line does not have stations. The reason for the proposed discontinuance is non-performance of material provisions of their lease with the County by MR&L-MNRR, resulting in termination of that lease.

There are no documents in the County’s possession that indicate that the Line contains federally granted rights-of-way. Any such documentation that might come into the County’s possession will be made available promptly to those requesting it.

The application, when filed, can be viewed following its filing on the Board's webpage, *www.stb.dot.gov*, or a copy can be secured from the County's counsel, whose name and address appear below. The application will include the County's entire case for discontinuance. Any interested person, after the application is filed on or about July 10, 2009, may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed discontinuance identifying it by the proceeding's docket number. These filings are due 45 days from the date of filing of the application. Persons who may oppose the discontinuance, but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence, should file comments. Persons opposing the proposed discontinuance that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following: (1) the protestant's name, address and business, (2) the protestant's interest in the proceeding, including their use of the line or the public interest represented, (3) the protestant's reasons for protesting or commenting on the proposed discontinuance, including their reliance on the involved service, and (4) any rebuttal of material submitted in the application. Protests or comments need to be notarized or verified, and an unbound original and ten copies are required to be filed with the Secretary of the Board, at 395 E Street, S.W., Suite 100, Washington, DC 20024, together with a certificate of service attesting that copies of the comments or protests have been served on Applicant's counsel in this matter, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, phone 312-236-0204, fax 312-201-9695, [mcfarland@aol.com](mailto:mcfarland@aol.com). Except as otherwise set forth in 49 C.F.R. § 1152, each document filed with the Board must be served on all parties to the

discontinuance proceeding. Protests and comments will be considered by the Board in determining what disposition to make of the application. A commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after that application is filed.

Those parties filing protests to the proposed discontinuance should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to 49 C.F.R. § 1152.25.

The interests of railroad employees who might be adversely affected by the proposed discontinuance of rail service will be protected by the employee protective conditions imposed in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Service at (202) 245-0230 or refer to the text of the discontinuance regulations at 49 C.F.R. § 1152.1, *et seq.*