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KARL MORELL



June 29, 2010

FEE RECEIVED

JUN 29 2010

**SURFACE
TRANSPORTATION BOARD**

BY HAND DELIVERY

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-001

227362

Re: STB Docket No. AB-1061X, Central Washington Railroad
Company – Discontinuance Of Trackage Rights Exemption – In
Yakima County, WA

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R. § 1152.50. Also attached is a check covering the \$3,700 filing fee.

Please time and date stamp the extra copy of the Notice and return it with our messenger.

If you have any questions, please call me.

ENTERED
Office of Proceedings

JUN 29 2010

Part of
Public Record

FILED

JUN 29 2010

**SURFACE
TRANSPORTATION BOARD**

Enclosures

Sincerely,

Karl Morell

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1061X

CENTRAL WASHINGTON RAILROAD COMPANY
-- DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION --
IN YAKIMA COUNTY, WASHINGTON

NOTICE OF EXEMPTION



Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorneys for:
CENTRAL WASHINGTON RAILROAD
COMPANY

Dated: June 29, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1061X

CENTRAL WASHINGTON RAILROAD COMPANY
-- DISCONTINUANCE OF TRackage RIGHTS EXEMPTION --
IN YAKIMA COUNTY, WASHINGTON

NOTICE OF EXEMPTION

Central Washington Railroad Company ("CWA") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to discontinue its trackage rights over two short segments of rail lines located in Yakima County, Washington (the Lines") owned by the Union Pacific Railroad Company ("UP").

1. Proposed consummation date.

The proposed consummation date is August 18, 2010.

2. Certification required by 49 C.F.R. § 1152.50(b).

The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant.

Central Washington Railroad Company

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

CWA is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought.

CWA seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue its trackage rights over two segments of rail lines located: (1) between UP Mileposts 57.3 and 58.75 in Grandview, Washington; and (2) between UP Mileposts 62.75 and 63.55 at Midvale, Washington. CWA acquired the trackage rights in 2005 by assignment from The Burlington Northern and Santa Fe Railway Company. *See* STB Finance Docket No. 34640, *Central Washington Railroad Company – Lease and Operation Exemption – The Burlington Northern and Santa Fe Railway Company* (not printed), served January 21, 2005. CWA has not handled any local or overhead traffic on the Lines in over two years. There are no CWA stations on the Lines

(4) Map.

Maps of the Lines are attached as Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent.

Karl Morell
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(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses.

The Lines traverse U.S. Postal Service ZIP Code 98930.

- (e) **Rural and community impact.**
- (4) **Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.**

According to UP, with the possible exception of the remaining bridges on the Lines, the right-of-way is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. A portion of the Lines is subject to reversionary interests.

4. The level of labor protection.

The interests of railroad employees who may be adversely affected by the proposed discontinuance will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. Certification.

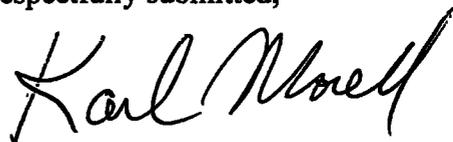
Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as Exhibit C.

6. Environmental and Historic Reports.

This proceeding is excepted from environmental reporting requirements under 49 C.F.R. § 1105.6(c)(6) (discontinuance of trackage rights where the line will continue to be

operated) and from historic reporting requirements under 49 C.F.R. § 1105.8(a) (because excepted by 49 C.F.R. § 1105.6(c)(6)). See STB Docket No. AB-156 (Sub-No. 25X), *Delaware and Hudson Railway Company, Inc. – Discontinuance of Trackage Rights – In Susquehanna County, Pa and Broome, Tioga, Chemung, Steuben, Allegany, Livingston, Wyoming, Erie, and Genesee Counties, NY* (not printed), served January 19, 2005. In any event, UP has fully complied with all applicable environmental and historic requirements in STB Docket Nos. AB-33 (Sub-No. 285X) and AB-33 (Sub-No. 286X), and, to the extent deemed necessary, CWA adopts the UP Environmental and Historic Reports filed with the Board on February 12, 2010.

Respectfully submitted,

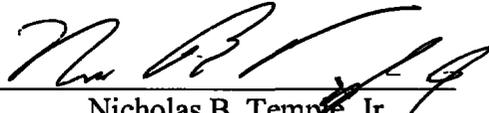


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Attorneys for:
CENTRAL WASHINGTON RAILROAD
COMPANY

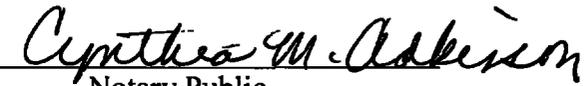
Dated: June 29, 2010

The foregoing certification is made on behalf of CWA by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

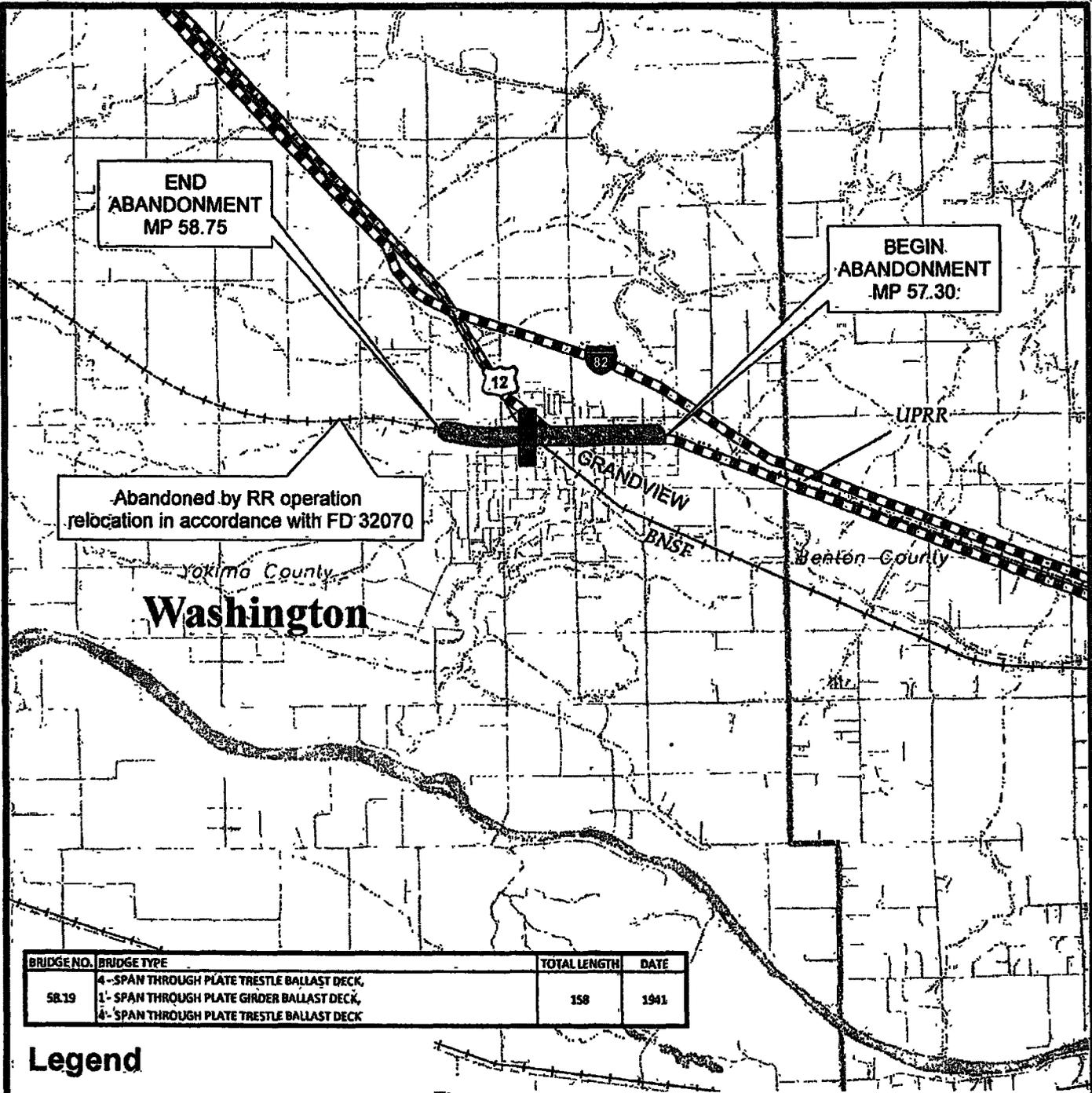

Nicholas B. Temple, Jr.
President

SUBSCRIBED AND SWORN TO before me this 7th day of June, 2010.

My Commission Expires: 4/25/2012

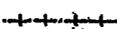
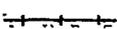
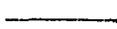

Notary Public





BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
58.19	4-SPAN THROUGH PLATE TRESTLE BALLAST DECK, 1-SPAN THROUGH PLATE GIRDER BALLAST DECK, 4-SPAN THROUGH PLATE TRESTLE BALLAST DECK	158	1941

Legend

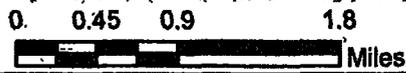
-  50 + YEAR OLD STRUCTURES
-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  PREVIOUS ABANDONMENT
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

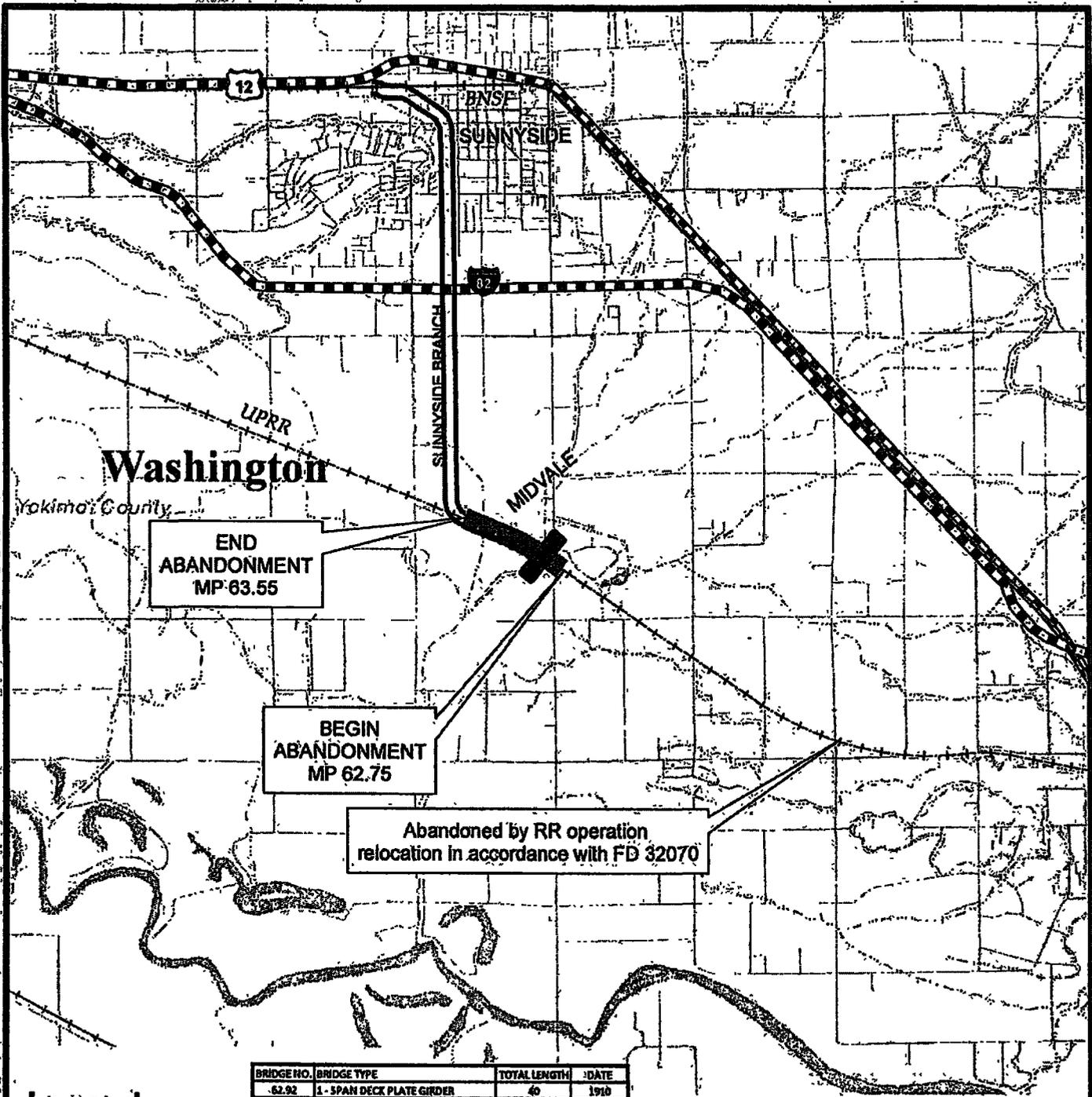
YAKIMA INDUSTRIAL LEAD

MP 57.30 TO MP 58.75
TOTAL OF 1.45 MILES IN YAKIMA COUNTY-
IN WASHINGTON

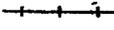
**UNION PACIFIC RAILROAD CO.
YAKIMA INDUSTRIAL LEAD
WASHINGTON**

INCLUDING 50+ YEAR OLD STRUCTURES





Legend

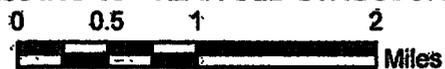
-  50 + YEAR OLD STRUCTURES
-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

YAKIMA INDUSTRIAL LEAD

MP 62.75 TO MP 63.55
TOTAL OF 0.80 MILES IN YAKIMA COUNTY
IN WASHINGTON

**UNION PACIFIC RAILROAD CO.
YAKIMA INDUSTRIAL LEAD
WASHINGTON**

INCLUDING 50+ YEAR OLD STRUCTURES



CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed discontinuance of trackage rights in STB Docket No. AB-1061X was mailed via first class mail on June 17, 2010 to the following parties:

State Public Service Commission

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504

Washington State Transportation Commission
P.O. Box 47308
Olympia, WA 98504

Military Traffic Management Command

MTMCTEA
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

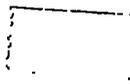


U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, S.W.
Washington, DC 20250

Dated: June 29, 2010


Karl Morell



CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance of trackage rights in STB Docket No. AB-1061X was published on June 25, 2010 in the Yakima Herald-Republic, a newspaper of general circulation in Yakima County, Washington as required by 49 C.F.R. § 1105.12.

Dated: June 29, 2010



Karl Morell

