

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1316X

GNP RLY, INC.—ABANDONMENT EXEMPTION—IN KING COUNTY, WASH.

Decided: April 11, 2022

On March 18, 2022, GNP RLY, Inc. (GNP), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 2.58-mile segment of rail line, extending between milepost 23.8 and milepost 26.58, all in Woodinville, King County, Wash., along with a spur that extends into Bothell, Wash. (the Line). As explained below, the proceeding, including the environmental review, will be held in abeyance.

A map submitted in another proceeding involving a longer segment of rail line that includes the Line here suggests that the proposed abandonment of the Line, if consummated, could isolate a segment of track from the interstate rail network. The segment in question is south of milepost 23.8, as indicated in a pleading filed by the City of Woodinville in Docket No. FD 35730. (See Woodinville Pet. to Intervene, Ex. A, Aug. 1, 2018, Ballard Terminal R.R.—Lease Exemption—Eastside Cmty. Rail, LLC, FD 35730.) That map also indicates that the potentially stranded segment is rail banked. (See id.) Rail banked lines remain within the interstate rail network and cannot be treated as abandoned. See, e.g., N. Coast R.R. Auth.—Aban. Exemption—in Mendocino, Trinity, & Humboldt Cntys., Cal., AB 1305X, slip op. at 4 (STB served Aug. 26, 2021); 16 U.S.C. § 1247(d).

In addition, although the verified notice and the newspaper publication in Exhibit C describe the Line’s northern endpoint as milepost 26.58, both the map in Exhibit B and the combined environmental and historic report in Exhibit D (including attached notice letters) state that the northern endpoint is at milepost 26.38.

This proceeding, including the environmental review, will be held in abeyance, to allow GNP to file a supplement addressing whether the proposed abandonment would strand the segment south of milepost 23.8 and, if so, how that would affect GNP’s entitlement to the abandonment exemption it seeks. See, e.g., Elk River R.R.—Aban. Exemption—in Kanawha & Clay Cntys., W. Va., AB 1314X, slip op. at 3-4 (STB served Mar. 25, 2022) (rejecting verified notice of exemption because it would have stranded a segment). This supplement must also clarify the milepost number of the Line’s northern endpoint. GNP will be directed to submit its supplement by April 25, 2022.

It is ordered:

1. This proceeding, including environmental review, is held in abeyance.
2. GNP shall submit a supplement to its verified notice, as described above, by April 25, 2022.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.