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SERVICE DATE - MARCH 10, 1998

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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33561]

Port of Pend Oreille d/b/a Pend Oreille Valley Railroad—Acquisition and Operation

Exemption—The Burlington Northern and Santa Fe Railway Company

Port of Pend Oreille d/b/a Pend Oreille Valley Railroad (POVA),¹ a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire the exclusive rail freight easement and all track structures on a 24.9-mile rail line currently owned by The Burlington Northern and Santa Fe Railway Company (BNSF).² The rail line involved in the acquisition transaction is located between milepost 1433.0, at Newport, WA, and milepost 1408.1, at Dover, ID. In conjunction with the acquisition of the rail freight easement and track structures, POVA will acquire incidental overhead trackage rights over BNSF's 6.9-mile rail line between milepost 1408.1, at Dover, ID, and milepost 1401.2, at North Sandpoint, ID.

The transaction was scheduled to be consummated on or after March 1, 1998.

¹ The Port of Pend Oreille is a municipal corporation of the State of Washington and operates, as the Pend Oreille Valley Railroad, a 61-mile rail line between Newport and Metaline Falls, WA.

² Applicant states that BNSF will retain ownership of the real estate underlying the rail line being acquired, and POVA will become the exclusive operator of the rail line.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33561, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., BALL JANI LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Decided: March 3, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary