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SERVICE DATE - FEBRUARY 26, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33594]

Ballard Terminal Railroad Company, L.L.C.--Modified Rail Certificate¹

On May 4, 1998, Ballard Terminal Railroad Company, L.L.C. (BTRC), filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, Subpart C, Modified Certificate of Public Convenience and Necessity, to operate a line of railroad (the Ballard Line) between milepost 0.09 and the end of the line at milepost 2.70, a distance of almost 3 miles in the Ballard District of Seattle, King County, WA. BTRC intends to operate over the Ballard Line under an agreement with the City of Seattle. Seattle has granted BTRC a 30-year franchise to operate the Ballard Line.

The involved rail line was approved for abandonment by Adventure Trail, Inc., doing business as Sea Lion Railroad (Sea Lion), in Sea Lion Railroad--Abandonment Exemption--In King County, WA, et al., STB Docket No. AB-544X, et al. (STB served Aug. 11, 1998). In that proceeding, the Board deferred action on BTRC's request for a modified certificate pending administrative finality of the proceeding and notice from Seattle that it had acquired the line. The abandonment exemption proceeding has become

¹ In a decision served on August 11, 1998, this proceeding was consolidated with Sea Lion Railroad--Abandonment Exemption--In King County, WA, STB Docket No. AB-544X, and Adventure Trail D/B/A Sea Lion Railroad--Acquisition and Operation Exemption--The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 33486.

administratively final, and Seattle has notified the Board that, on December 30, 1998, it acquired the real estate underlying the line.

The rail segment qualifies for a modified certificate of public convenience and necessity. See Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions, Finance Docket No. 28990F (ICC served July 16, 1981).

No subsidy is involved. BTRC indicates that, in order to receive service, shippers must meet the following preconditions: “Minimum of 30 carloads per year averaged over a rolling 36 month period.”

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement: Association of American Railroads, 50 F St., NW, Washington, DC 20001; and on the American Short Line Railroad Association: American Short Line Railroad Association, 1120 G St., NW, Suite 520, Washington, DC 20005.

Decided: February 19, 1999.

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

Vernon A. Williams

Secretary