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SERVICE DATE - OCTOBER 27, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33812]

Arizona & California Railroad Company Limited Partnership d/b/a Puget Sound & Pacific Railroad--Modified Rail Certificate

On October 12, 1999, Arizona & California Railroad Company Limited Partnership (ARZC) d/b/a Puget Sound & Pacific Railroad (PS&P) (collectively, ARZC d/b/a PS&P)¹ 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 10 miles of a rail line extending from milepost 0.0 in Chehalis to milepost 10.0 in Curtis, in Lewis County, WA.

An exemption to abandon the line was granted to Curtis Milburn & Eastern Railroad Company (CMER) in Curtis Milburn & Eastern Railroad Company--Abandonment Exemption--In Lewis County, WA, Docket No. AB-378X (ICC served Jan. 19, 1993).² The Port of Chehalis (the Port), a municipal corporation of the State of Washington,

¹ ARZC is an existing Class III rail carrier, and PS&P is an operating division of ARZC.

² Based on CMER's petition for exemption, the decision describes the line as an 11-mile line of railroad between milepost 0.0 at CM&E Junction, WA, and milepost 10.0 near Curtis, WA. According to the instant notice, milepost 0.0 at CM&E Junction and milepost 0.0 in Chehalis refer to the same location. The Railroad Right of Way Use and Track Agreement (the Agreement), attached to the notice as Exhibit A, describes the line as approximately 10 miles of rail line. The mileage discrepancy is not explained, but the line description as a whole is unambiguous.

subsequently acquired the line. On October 1, 1999, ARZC d/b/a PS&P and the Port executed the Agreement, which governs the rail operations to be conducted by ARZC d/b/a PS&P in Lewis County. Rail freight operations over the line were to commence on or after October 18, 1999.

The line's only interline connection is with Tacoma & Eastern Railway Co. (Tacoma), at milepost 0.0 (Tacoma milepost 67.0). ARZC d/b/a PS&P anticipates acquiring reciprocal overhead trackage rights over 1 mile of Tacoma's line so that it can connect with The Burlington Northern and Santa Fe Railroad Company (BNSF)³ in Chehalis.⁴

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).

ARZC d/b/a PS&P indicates that no subsidy is involved and that there are no preconditions for shippers to meet in order to receive rail service.

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 Street, N.W., Washington, DC 20001; and on the

³ Although the Agreement indicates that ARZC d/b/a PS&P will use these trackage rights to connect with the Union Pacific Railway Company in addition to BNSF, ARZC d/b/a PS&P anticipates that the trackage rights agreement it negotiates with Tacoma will provide ARZC d/b/a PS&P only with access to BNSF.

⁴ Prior to operating over Tacoma's line via the overhead trackage rights, ARZC d/b/a PS&P states that it will obtain any necessary regulatory authority from the Board.

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American Short Line and Regional Railroad Association: American Short Line and
Regional Railroad Association, 1120 G Street, N.W., Suite 520, Washington, DC 20005.

Decided: October 19, 1999

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

Vernon A. Williams

Secretary