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SERVICE DATE - NOVEMBER 6, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33666]

Belt Line Division of Tacoma Public Utilities—Operation Exemption—in Pierce, Thurston and Lewis Counties, WA

Belt Line Division of Tacoma Public Utilities (Belt Line), an existing Class III carrier,¹ has filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 131.5 miles of the City of Tacoma, WA (City), rail line (the line) in Pierce, Thurston, and Lewis Counties, WA: (1) between milepost 2192.0, at Tacoma, and milepost 17.7, at Chehalis; and (2) between milepost 2192.0, at Tacoma, and milepost 64.2, at Morton. The lines have been operated previously by Tacoma Eastern Railway Company (TE).²

Pursuant to 49 CFR 1150.42(e), Belt Line certified on October 23, 1998, that its annual revenues exceed \$5 million and that it has, as of September 23, 1998, served the

¹ Applicant represents that the Charter of the City divides its operations into Public Utilities and General Government. The General Government portion of the City evidently owns the lines discussed in this notice and is negotiating with the Public Utilities portion of the City, which is evidently responsible for operations. Belt Line currently operates a shortline railroad in support of the Port of Tacoma.

² The Board recently granted the City's application under 49 U.S.C. 10903 permitting the discontinuance of operations by TE over the line. See Tacoma Eastern Railway Company—Adverse Discontinuance of Operations Application—a Line of City of Tacoma, in Pierce, Thurston and Lewis Counties, WA, STB Docket No. AB-548 (STB served Oct. 16, 1998).

national offices of the labor unions with a copy of a notice of its intent to undertake this transaction and posted such notice at the workplace of the employees on the affected lines on September 23, 1998.

The transaction was expected to be consummated on or after October 30, 1998.³

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 will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33666 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, D.C. 20423-0001. In addition, a copy of each pleading must be served upon Peter A. Greene, Esq., Thompson Hine & Flory LLP, 1920 N Street, N.W., Suite 800, Washington, DC 20036.

³ The date of consummation under normal circumstances would be December 22, 1998 (60 days after Belt Line's certification to the Board that it had complied with the Board's rule at 49 CFR 1150.42(e)). In a decision in this proceeding served on October 30, 1998, the Board found that sufficient notice to rail employees and their representatives had been given under the circumstances of this case and, at the request of Belt Line, waived, in part, the 60-day period to allow consummation on October 30, 1998.

STB Finance Docket No. 33666

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Decided: November 2, 1998.

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

Vernon A. Williams

Secretary