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SERVICE DATE - MAY 13, 1998

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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-544X]

Sea Lion Railroad--Abandonment Exemption--In King County, WA

On April 23, 1998, Sea Lion Railroad, a/k/a Adventure Trail, Inc. (SLR) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-10905¹ to abandon a line of railroad between the end of the line at milepost 2.70 and milepost 0.09 in the Ballard District of Seattle, WA, a distance of approximately 3.00 miles, in King County, WA. The line traverses U.S. Postal Service Zip Codes 98107 and 98117. There are no existing rail stations.

The line contains federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co.- Abandonment - Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 11, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA

¹ In addition to an exemption from 49 U.S.C. 10903, SLR seeks exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions).

must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than June 2, 1998.² Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-544X and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, and (2) Charles H. Montange, 426 NW 162d Street, Seattle, WA 98177. Replies to the SLR petition are due on or before June 2, 1998.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis

² In the petition, SLR indicates that it consents to a request by the City of Seattle for issuance of a notice of interim trail use/rail banking. SLR adds that, once the City has acquired the line for trail use/rail banking by means of transfer from petitioner, Ballard Terminal Railroad Company will operate the line under contract with the City pursuant to a modified certificate of public convenience and necessity. We note, however, that a modified certificate is issued however, only when a state or political subdivision of a state acquires an abandoned line with the intent to provide rail service itself or to contract with an operator for such service. Trail use and rail banking are normally not contemplated under such a procedure. SLR's apparent intent here to transfer the line to the City for continued rail service. The use of rail banking to transfer a line for continued rail service appears questionable.

(SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: May 8, 1998.

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

Vernon A. Williams

Secretary