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SERVICE DATE - MARCH 31, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33566]

City of Tacoma and Beltline Division of Tacoma Public Utilities—Change in Operator  
Exemption—Tacoma Eastern Railway Company

City of Tacoma (City), WA,<sup>1</sup> has filed a verified notice of exemption under 49 CFR 1150.41 for Beltline Division of Tacoma Public Utilities to operate approximately 131.5 miles of City rail 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.

Because the projected revenues of the rail lines to be operated will exceed \$5 million, City has certified to the Board that the required notice of its change in operators was posted at the workplace of the employees on the affected lines on March 11, 1998. See 49 CFR 1150.42(e). The earliest the transaction can be consummated is May 18, 1998, the effective date of the exemption (60 days after City's March 19, 1998 certification to the Board).<sup>2</sup>

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<sup>1</sup> 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.

<sup>2</sup> The City's representative has acknowledged by telephone that the earliest the transaction can go forward is May 18, 1998.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding 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. 33566, 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 City of Tacoma, Office of City Attorney, 747 Market Street, Room 1120, Tacoma, WA 98402-3767.

Decided: March 23, 1998.

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

Vernon A. Williams

Secretary