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SEC

SERVICE DATE - MAY 15, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33566

CITY OF TACOMA AND BELTLINE DIVISION OF TACOMA PUBLIC
UTILITIES—CHANGE IN OPERATOR EXEMPTION—
TACOMA EASTERN RAILWAY COMPANY

Decided: May 14, 1998

On February 16, 1998,¹ the City of Tacoma (City), WA, filed a verified notice of exemption for a change in operators under 49 CFR 1150.41 for the 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 had been operated previously by Tacoma Eastern Railway Company. Notice of the exemption was served on March 31, 1998, and was published in the Federal Register on the same date at 63 FR 15484. The exemption is scheduled to become effective on May 18, 1998.

On April 8, 1998, the Tacoma Eastern Railway Company (TE) filed a protest and petition for rejection of the exemption. On April 24, 1998, TE filed a petition to stay the effective date of the exemption.

By letter filed May 8, 1998, the City, acting by its counsel, requests that the notice of exemption be withdrawn. In view of the withdrawal, the proceeding will be dismissed. The withdrawal of the notice of exemption renders the protest and petition for rejection and the petition for stay moot.

It is ordered:

1. The request to withdraw the notice of exemption is granted and the proceeding in STB Finance Docket No. 33566 is dismissed.

¹ The City filed an amended Notice of Exemption on March 19, 1998.

2. The protest and petition for rejection and the petition for stay are dismissed as moot.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary