



City of Tacoma
Office of the City Attorney



May 16, 2016

240669

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E St SW
Washington, D.C. 20423

ENTERED
Office of Proceedings
May 17, 2016
Part of
Public Record

Re: *STB Docket No. AB -1239 (Sub-No. 1X), City of Tacoma (Tacoma), Discontinuance of Service Exemption – in Thurston County, Washington*

Dear Ms. Brown:

Enclosed are the original and 11 copies of a Verified Notice of Exemption for Tacoma to discontinue service over approximately 12.05 miles of rail lines in Thurston County owned by BNSF Railway Company (“BNSF”) and formerly leased by TMBL. The rail lines are located at Milepost 3.27Q at Quadlok to Milepost 0.0Q at St. Clair in Thurston County, Washington (the Quadlok-St. Clair line); and Milepost 16.0B at Belmore to Milepost 7.22B at Olympia in Thurston County, Washington (the Belmore-Olympia line). Also enclosed please find a check in the amount of \$3,900 for the filing fee and a CD containing the Notice in Word and pdf format.

Please acknowledge receipt and filing of this Verified Notice of Exemption by date stamping the enclosed 11th copy and returning it to my attention in the attached envelope. Please do not hesitate to contact me if you have any questions.

Sincerely,

William Fosbre
Chief Deputy City Attorney

WCF/dk
Enclosures

FEE RECEIVED
May 17, 2016
SURFACE
TRANSPORTATION BOARD

FILED
May 17, 2016
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1239 (Sub-No. 1X)

CITY OF TACOMA, DEPARTMENT OF PUBLIC UTILITIES, BELTLINE DIVISION
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN THURSTON COUNTY, WASHINGTON

VERIFIED NOTICE OF EXEMPTION

William Fosbre
Chief Deputy City Attorney
3628 S. 35th St.
Tacoma, WA 98409
(253) 502-8218

Attorney for:
CITY OF TACOMA

Dated: May 16, 2016

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1239 (Sub-No. 1X)

CITY OF TACOMA, DEPARTMENT OF PUBLIC UTILITIES, BELTLINE DIVISION
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN THURSTON COUNTY, WASHINGTON

VERIFIED NOTICE OF EXEMPTION

The City of Tacoma, Department of Public Utilities, Beltline Division, dba Tacoma Rail, Tacoma Municipal Beltline or TMBL ("TMBL") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. §1152.50 for TMBL to discontinue service over approximately 12.05 miles of rail line in Thurston County owned by BNSF Railway Company ("BNSF") and formerly leased by TMBL. The rail lines are located at Milepost 3.27Q at Quadlok to Milepost 0.0Q at St. Clair (BNSF Mainline Mile Post 28.15) in Thurston County, Washington (the Quadlok-St. Clair line); and Milepost 16.0B at Belmore to Milepost 7.22B at Olympia in Thurston County, Washington (the Belmore-Olympia line) (together referred to as the "Lines"). The Lines are located in ZIP Codes 98501 and 98512.

Pursuant to the Surface Transportation Board's ("STB") decision in Finance Docket No. 34555 (served September 27, 2004) TMBL was granted authority to operate the Quadlok-St. Clair and Belmore-Olympia lines through its lease with the Burlington Northern Santa Fe Railway Company ("BNSF"). TMBL's lease with BNSF expired March 16, 2016, and common carrier freight service obligations under the expired lease have now reverted back to BNSF.

Consequently, TMBL is petitioning the STB to authorize TMBL to officially discontinue service and remove TMBL as the listed common carrier over these Lines.

As the former lessee, TMBL does not know if the Lines contain federally granted rights-of-way, but any documentation in the railroad's possession will be made available promptly to those requesting it.

1. Proposed consummation date. The proposed consummation date is on or shortly after the effective date of this Notice of Exemption.

2. Certification required by 49 C.F.R. §1152.50(b). The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. §1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. City of Tacoma, Department of Public Utilities, Beltline Division ("TMBL").

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. TMBL is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. TMBL seeks to use the class exemption at 49 C.F.R. §1152.50 to discontinue service over approximately 12.05 miles of rail lines in Thurston County owned by BNSF Railway Company ("BNSF") and formerly leased by TMBL. The rail lines are located at Milepost 3.27Q at Quadlok to Milepost 0.0Q at St. Clair in Thurston County, Washington (the Quadlok-St. Clair line); and Milepost 16.0B at Belmore to Milepost 7.22B at Olympia in Thurston County, Washington (the Belmore-Olympia line) (together referred to as

the “Lines”), and remove TMBL as the listed common carrier for these Lines. Common carrier freight rail service over the Lines has reverted back to BNSF pursuant to the expired lease.

(4) Map. A Map depicting the trackage covered by the proposed discontinuance is attached as Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent.

William Fosbre, Chief Deputy City Attorney
City of Tacoma-City Attorney’s Office
3628 S. 35th St.
Tacoma, WA 98409
(253) 502-8218
bill.fosbre@ci.tacoma.wa.us

(8) List of all United States Postal Service ZIP Codes that the lines proposed for discontinuance traverses. The Lines traverse U.S. ZIP Codes: 98501 and 98512.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be discontinued are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed. TMBL is the lessee of the Lines and is discontinuing service over the Lines because its lease with BNSF has expired and freight rail service over the Lines has reverted back to BNSF. Because BNSF has assumed freight rail service over the Lines, the Lines are not available for public use purposes. *See, Central Illinois Railroad Company-Discontinuance of Service Exemption-in Cook County, Ill., Docket No. AB 1066 (Sub-No. 2X) slip op. at 3, served November 16, 2010.*

4. The level of labor protection. The interests 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).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental and Historic Reporting Requirements. TMBL is the lessee of the Line and will not be salvaging the track and materials on the Lines. Because freight rail service over the Lines has reverted back to BNSF, there will be no diversion of traffic from rail to truck. Therefore, TMBL does not have to prepare or file an Environmental Report. 49 C.F.R. §1105.6(c)(2).

7. Historic Report. TMBL is discontinuing service over the Lines. It is not salvaging the track and materials on the Lines. There will be no impact on historic properties. Therefore, TMBL does not have to prepare or file a Historic Report. 49 C.F.R. §1105.8(a).

Respectfully submitted,

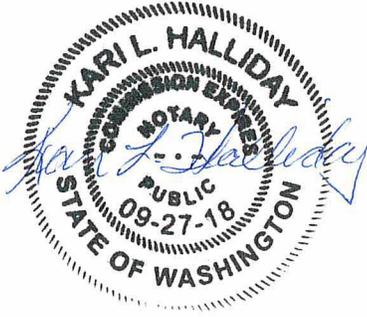


William Fosbre
Chief Deputy City Attorney
City of Tacoma-City Attorney's Office
3628 S. 35th St.
Tacoma, WA 98409
(253) 502-8218

Attorney for:
City of Tacoma

Dated: May 16, 2016

EXHIBIT A – VERIFICATION AND CERTIFICATION



Dale W. King
Dale W. King

SUBSCRIBED AND SWORN TO before me this 27th day of April, 2016.

My Commission Expires: 9/27/18

Kari L. Halliday
Notary Public

EXHIBIT B-MAP

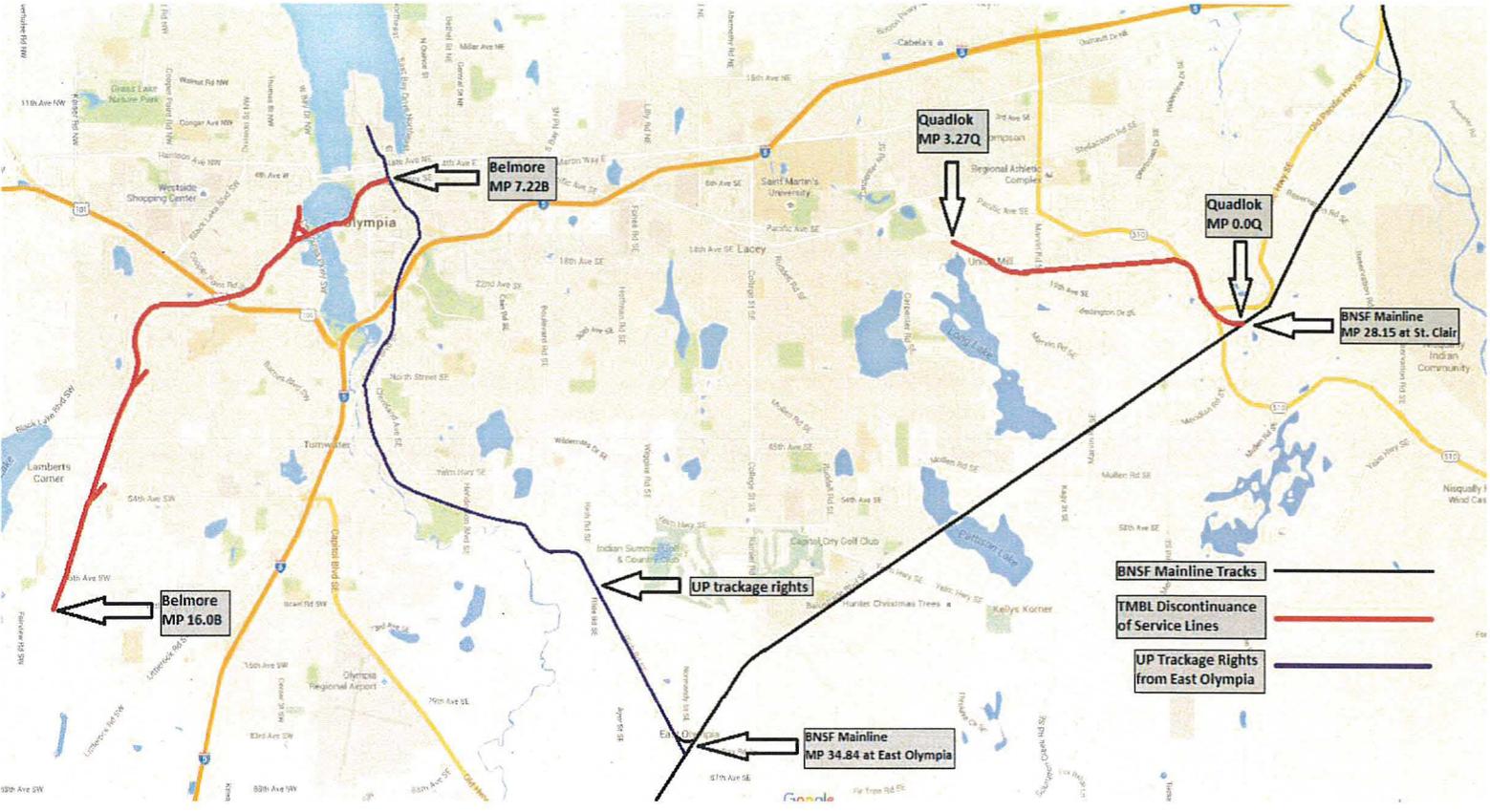


EXHIBIT C-CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.50(d)(1), the undersigned hereby certifies that notice of the proposed discontinuance in STB Docket No. AB-1239 (Sub-No. 1X) was mailed via first class mail on May 2, 2016, to the following parties:

State Public Service Commission

Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5357

National Park Service

Chief of National Recreation and Trails
U.S. Dept. of Interior - Nat'l. Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service

U.S. Department of the Interior
National Park Service
1849 C Street, NW
Washington, DC 20240-0001

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Ave., S.W.
Washington, DC 20250-0003

Dated: May 2, 2016

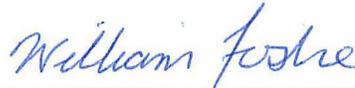


William Fosbre

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance in STB Docket No. AB-1239 1X was published on May 6, 2016, in the Olympian, a newspaper of general circulation in Thurston County, Washington as required by 49 C.F.R. §1105.12.

Dated: May 16, 2016



William Fosbre

Notice of Intent to Discontinue Rail Service

The City of Tacoma, Department of Public Utilities, Beltline Division (dba Tacoma Rail) gives notice that on or about May 16, 2016, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the discontinuance of service over approximately 12.05 miles of rail line in Thurston County owned by BNSF Railway Company (“BNSF”) and formerly leased by Tacoma. The rail lines are located at Milepost 3.27Q at Quadlok to Milepost 0.0Q at St. Clair in Thurston County, Washington; and Milepost 16.0B at Belmore to Milepost 7.22B at Olympia in Thurston County, Washington (together referred to as the “Lines”). The Lines are located in U.S. Postal ZIP Codes 98501 and 98512.

Pursuant to the Surface Transportation Board’s decision in Finance Docket No. 34555 (served September 27, 2004), Tacoma was granted authority to operate the Quadlok-St. Clair and Belmore-Olympia lines through its lease with BNSF. Tacoma’s lease with BNSF expired March 16, 2016, and common carrier freight service obligations under the expired lease have now reverted back to BNSF. The proceeding will be docketed as No. AB 1239 (Sub-No. 1X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street,

SW., Washington, DC 20423-0001 [*See* 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [*See* 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: William Fosbre, City of Tacoma-City Attorney's Office, P.O. Box 11007, Tacoma, WA 98411 (253) 502-8218.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
376315	0002430802	Legal #6363 NOTICE OF INTENT TO DISC	ic Utilities/Discontinue Rail Ser	\$355.70	2	45

Attention: Diane Kubicek

CITY OF TACOMA - CITY ATTORNEYS/CITY CLERKS OFFICE
733 MARKET STREET, ROOM 11
TACOMA, WA 98402

Legal #6363

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

The City of Tacoma, Department of Public Utilities, Beltline Division (dba Tacoma Rail) gives notice that on or about May 16, 2016, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the discontinuance of service over approximately 12.05 miles of rail line in Thurston County owned by BNSF Railway Company ("BNSF") and formerly leased by Tacoma. The rail lines are located at Milepost 3.27Q at Quadlok to Milepost 0.0Q at St. Clair in Thurston County, Washington; and Milepost 16.0B at Belmore to Milepost 7.22B at Olympia in Thurston County, Washington (together referred to as the "Lines"). The Lines are located in U.S. Postal ZIP Codes 98501 and 98512.

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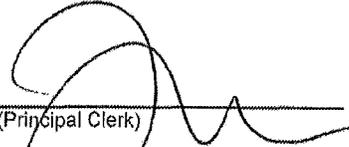
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0298. Copies of any comments or requests for conditions should be served on the applicant's representative: William Fosbre, City of Tacoma-City Attorney's Office, P.O. Box 11007, Tacoma, WA 98411 (253) 502-6218.

Publish: May 6, 2016

JANICE WASSENAAR, being duly sworn, deposes and says: That she is the Principal Clerk of The Olympian, a daily newspaper printed and published at Olympia, Thurston County, State of Washington, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of six months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Olympian in accordance with RCW 65.16.020 and RCW 63.16.040, as amended, for:

1 Insertions

Published On:
May 06, 2016


(Principal Clerk)

Subscribed and sworn on this 6th day of May in the year of 2016 before me, a Notary Public, personally appeared before me, Janice Wassenaar known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

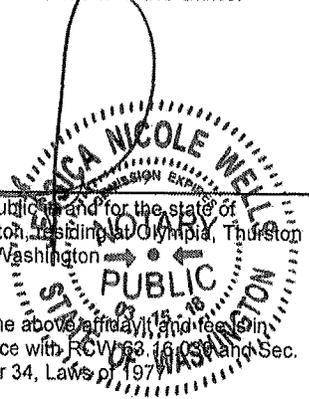

Notary Public and for the state of Washington, residing at Olympia, Thurston County, Washington
Note: The above affidavit, and fee, in compliance with RCW 63.16.030 and Sec. 3 Chapter 34, Laws of 1977

EXHIBIT D – ENVIRONMENTAL REPORT
NONE REQUIRED

EXHIBIT E-HISTORIC REPORT
NONE REQUIRED