

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1328X]

City of Tacoma, Department of Public Works, d/b/a Tacoma Rail Mountain Division—
Discontinuance of Service Exemption—in Pierce County, Wash.

On March 14, 2023, the City of Tacoma, Wash., Department of Public Works d/b/a Tacoma Rail Mountain Division (TRMW) filed a petition with the Surface Transportation Board (the Board) under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to discontinue common carrier service over approximately 3.5 miles of rail line extending from milepost 2.11 at East C Street (USDOT Grade Crossing Inventory Number 396640U) to milepost 5.61 at McKinley Avenue (USDOT Grade Crossing Inventory Number 396659L), in the City of Tacoma, Pierce County, Washington (the Line). The Line traverses U.S. Postal Service Zip Codes 98421, 98404, and 98418.¹

According to TRMW, the Line has moved only four local carloads in the past seven years—one carload in April 2021 and three carloads in 2016. TRMW states that it would not expect carload volumes to or from the sole customer on the Line, Tacoma

¹ TRMW is a division of the City of Tacoma and the non-operating Class III common carrier owner of the Line. The Line is currently operated by another division of the City of Tacoma: its Department of Public Utilities d/b/a Tacoma Rail (TMBL). Separately, TMBL has petitioned the Board for authority to discontinue its operations on the Line. See City of Tacoma, Dep't of Pub. Utils.—Discontinuance of Serv. Exemption—in Pierce Cnty., Wash., AB 1239 (Sub-No. 3X) (STB served Mar. 28, 2023) (88 Fed. Reg. 18,362).

Steel, to increase significantly if the Line were to remain active. According to TRMW, TMBL has advised Tacoma Steel of its plan to cease operations on the Line and TRMW expects that Tacoma Steel will not object to this petition for discontinuance authority. TRMW also states that no overhead traffic currently exists on the Line, and that, if such traffic did exist, it could be handled over other through routes.

TRMW states that, to the best of its information and belief, the Line does not contain any federally granted rights-of-way and that it will promptly make available to those requesting it any documentation in its possession relevant to the foregoing statement.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 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 June 30, 2023.

Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be environmental review during any subsequent abandonment, this discontinuance does not require an environmental review. See 49 C.F.R. §§ 1105.6(c)(5), 1105.8(b).

Any offer of financial assistance (OFA) to subsidize continued rail service under 49 C.F.R. § 1152.27(b)(2) will be due no later than July 12, 2023, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner.² Persons interested in submitting an OFA must first file a formal expression of intent to file an

² The filing fee for OFAs can be found at 49 C.F.R. § 1002.2(f)(25).

offer by April 13, 2023, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. See 49 C.F.R. § 1152.27(c)(1)(i).

All filings in response to this notice must refer to Docket No. AB 1328X and must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on TRMW's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208. Replies to the petition are due by April 24, 2023.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment and discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

Board decisions and notices are available at www.stb.gov.

Decided: March 29, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.