

placement of brake controls, and cited it in granting the similar petition by Vectrix. In the present case, the number of favorable comments appear to sustain our previous conclusions.

With respect to the public interest and the objectives of motor vehicle safety, the overall level of safety, as Honda argues, appears at least equal to that of vehicles certified to comply with Standard No. 123. The numerous comments make convincing arguments that an exemption would be in the public interest by making available a compact, fuel-efficient vehicle that would not otherwise be available without an exemption.

In consideration of the foregoing, we hereby find that Honda has met its burden of persuasion that, to require compliance with Standard No. 123 would prevent the manufacturer from selling a motor vehicle with an overall level of safety at least equal to the overall safety level of nonexempt vehicles. We further find that a temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. Accordingly, Honda Motor Co. Ltd. is hereby granted NHTSA Temporary Exemption No. EX2000-2 from the requirements of item 11, Column 2, Table 1 of 49 CFR 571.123 Standard No. 123 Motorcycle Controls and Displays, that the rear wheel brakes be operable through the right foot control. This exemption applies only to the NSS250, and will expire on November 1, 2002.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50)

Issued on November 8, 2000.

Sue Bailey,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33959]

Ballard Terminal Railroad Company, L.L.C. d/b/a Meeker Southern Railroad—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Ballard Terminal Railroad Company, L.L.C. (BTRC), a limited liability company doing business as Meeker Southern Railroad,¹ has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF) and operate BNSF's Meeker-McMillin Rail Line located between Meeker, milepost 32.82, and McMillin, milepost 28.34, in Pierce County, WA, a distance of approximately 4.5 miles (line).

The parties report that they intend to close the transaction on or after the later

¹BTRC is an existing carrier currently operating in Seattle, WA. See *Ballard Terminal Railroad Company, L.L.C.—Modified Rail Certificate*, STB Finance Docket No. 33594 (STB served Feb. 26, 1999).

of November 13, 2000, or seven days from date of filing of this notice with the Board. The earliest the transaction can be consummated is November 10, 2000, the effective date of the exemption (7 days after the exemption was filed).²

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. 33959, 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 Stephen L. Day, Esq., Betts, Patterson & Mines, P.S., 1215 4th Avenue, Suite 800, Seattle, WA 98161-1090.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.

Decided: November 7, 2000.

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

Vernon A. Williams,
Secretary.

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²After consummation of the transaction in STB Finance Docket No. 33959, the line will be referred to as the Meeker Southern Railroad line.