

1105.8 (historic report),¹ 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 22, 2008, unless stayed pending reconsideration.² Petitions to stay that do not involve environmental issues,³ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁴ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 30, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 10, 2008, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to Rarus' representative: James E. Howard, One Thompson Square, Suite 201, Charlestown, MA 02129.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Rarus has filed environmental and historic correspondence pursuant to its discussions with SEA regarding submission of a preliminary draft environmental assessment. SEA will issue an environmental assessment (EA) by June 27, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202)

¹ The Board's Section of Environmental Analysis (SEA) has approved the request of Rarus to submit a preliminary draft environmental assessment in lieu of the environmental and historic reports required by 49 CFR 1105.7 and 49 CFR 1105.8.

² The earliest this transaction may be consummated is July 22, 2008. Rarus confirmed this date by letter filed on June 5, 2008.

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by SEA in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁴ Each OFA must be accompanied by the filing fee, which currently is set at \$1,300. See 49 CFR 1002.2(f)(25).

245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Rarus shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by Rarus' filing of a notice of consummation by June 20, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: June 16, 2008.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan,
Acting Secretary.

[FR Doc. E8–13962 Filed 6–19–08; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35128]

The Port of Seattle—Acquisition Exemption—Certain Assets of BNSF Railway Company

The Port of Seattle (the Port), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31¹ to acquire from BNSF Railway Company (BNSF) approximately 14.45 miles of rail line (the Line), including right-of-way, track, and other property and physical assets, extending between approximately milepost 23.80 (north of Woodinville) and approximately milepost 38.25 (Snohomish), in King County and Snohomish County, WA.²

¹ This notice was initially submitted on May 28, 2008, but was not docketed until June 4, 2008, when the filing fee was submitted. Because the notice could not be processed until the Board received the filing fee, June 4, 2008, is the official filing date.

² The Port will also acquire from BNSF the right-of-way, track, and other property and physical assets between the southern endpoint of the Line at milepost 23.8 and milepost 23.45 together with the Redmond Spur, which connects with the Line at milepost 23.80 and extends between milepost 0.00 and milepost 7.30 in Redmond, WA. Pursuant to a separate agreement, BNSF will donate to the

The Port states that it will not operate the Line but is acquiring it to preserve the Line as a rail and transportation corridor. BNSF, according to the Port, will retain an exclusive, permanent easement to conduct freight operations on the Line. Simultaneously with the closing of the transaction, BNSF will convey the easement to a third party operator which will secure separate Board approval or an exemption to conduct freight common carrier service on the Line.³

Stating that it will not conduct any freight operations on the Line, the Port certifies that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier. The Port states that it plans to consummate the acquisition of the Line on or after September 30, 2008. The exemption is scheduled to become effective on July 4, 2008 (30 days after the exemption was deemed to have been filed).

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. Petitions for stay will be due no later than June 27, 2007 (at least 7 days before the effective date of the exemption).

An original and 10 copies of all pleadings referring to STB Finance Docket No. 35128 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, 1601 K Street, NW., Washington, DC 2006.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: June 11, 2008.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan,
Acting Secretary.

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Port the right-of-way, track, and other property and physical assets of the line that extends between milepost 23.45 and milepost 5.00 in Renton, WA. BNSF will file for Board approval or an exemption to abandon these rights-of-way and track before selling/donating them to the Port.

³ In the same docket, the Port simultaneously filed a motion to dismiss its verified notice of exemption on jurisdictional grounds. That request will be considered in a separate Board decision.