

Federal programs and activities apply to this program.)

Issued on: June 13, 2002.

Jeffery Kolb,

Chief District Operation South-California Division, Federal Highway Administration.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34218]

The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP), pursuant to a written trackage rights agreement entered into between UP and The Burlington Northern and Santa Fe Railway Company (BNSF), has agreed to grant temporary overhead trackage rights to BNSF over UP's rail line between UP's milepost 428.7 at Klamath Falls, OR, and UP's milepost 141.9 at Binney Junction (Marysville), CA, a total distance of approximately 286.8 miles. BNSF will operate its own trains with its own crews over UP's line under the trackage rights agreement.¹

Operations under the exemption were scheduled to begin on June 17, 2002, the effective date of the exemption (7 days after the notice was filed).

The temporary trackage rights are to allow BNSF to bridge its train service while BNSF's main line is out of service for maintenance.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions 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

¹ On June 20, 2002, BNSF filed a petition for exemption in STB Finance Docket No. 34218 (Sub-No. 1), *The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company*, where BNSF requests that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on August 16, 2002. That petition will be addressed by the Board in a separate decision.

Docket No. 34218, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Michael E. Roper, 2500 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

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

Decided: June 20, 2002.

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

Vernon A. Williams,

Secretary.

[FR Doc. 02-16260 Filed 6-27-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-597X]

Butte-Silver Bow County—Abandonment Exemption—in Silver Bow County, MT

On June 18, 2002, Butte-Silver Bow County (BSB), a noncarrier, filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-04¹ to abandon approximately 11 miles of railroad known as the Missoula Gulch and Butte Hill Line (MGBH) in and near Butte, in Silver Bow County, MT.² The MGBH

¹ In addition to an exemption from 49 U.S.C. 10903, BSB seeks exemption from 49 U.S.C. 10904 (offers of financial assistance). Also, on May 21, 2002, BSB filed a request for a trail use condition under 16 U.S.C. 1247(d) with respect to the Missoula Gulch segment, and a request for a public use condition under 49 U.S.C. 10905 for the Butte Hill segment. These requests will be addressed in the final decision.

² The MGBH was most recently owned and operated by a non-profit corporation called the Butte/Anaconda Historic Park and Railroad Corporation (BAHPR). The BAHPR operated a tourist train over the portion of the MGBH between Rocker and the former Butte Hill Yard under a lease from the State of Montana from 1988 to 1991, at which time the BAHPR acquired the MGBH. See *Butte/Anaconda Historic Park and Railroad Corporation—Acquisition Exemption—State of Montana, Department of Commerce*, ICC Finance Docket No. 31982 (ICC served Feb. 11, 1992). In 1994, the Montana Secretary of State's Office involuntarily dissolved the BAHPR, but it continued intermittently to operate a tourist train over the MGBH through 1996, did not seek reinstatement, and never distributed its assets following dissolution. On October 29, 2001, the Montana district court in Silver Bow County ordered the BAHPR's assets distributed to BSB.

On February 15, 2002, BSB filed a verified notice of exemption under 49 CFR 1150.31 to acquire the MGBH, with the intention to subsequently seek this abandonment. On March 15, 2002, the Board provided public notice of the acquisition exemption. See *Butte-Silver Bow County—Acquisition Exemption—Silver Bow County, MT*,

extends from milepost 0.0 at Rocker, west of Butte, to milepost 4.40 at the Butte Hill Yard (Missoula Gulch segment), and also extends north and east from milepost 0.0 at the Butte Hill Yard to milepost 3.69 near the Badger Mine (Butte Hill segment). The line traverses U.S. Postal Service Zip Code 59701. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

BSB has no railroad employees and the entire line is involved in this abandonment. Accordingly, no employee protection will be imposed here.

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 October 4, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 29, 2002. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-597X and must be sent to: (1) Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) Susan J. Geer, Esq., Davis Graham & Stubbs LLP, 1550 17th Street, Suite 500, Denver, CO 80202. Replies to the BSB petition are due on or before July 29, 2002.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1552. [TDD for the

STB Finance Docket No. 34171 (STB served Mar. 15, 2002) (67 FR 11743). Abandonment of the MGBH is being sought to facilitate environmental cleanup activities in and around Butte required by the U.S. Environmental Protection Agency.