

DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration

[FRA Emergency Order No. 14,
Notice No. 4]

Eureka Southern Railroad Company (a.k.a. Northwestern
Pacific Railroad); Notice of Limited Relief from Emergency
Order No. 14

AGENCY: Federal Railroad Administration, Department of
Transportation

ACTION: Notice of Partial Relief

SUMMARY: This notice provides partial relief for the
Northwestern Pacific Railroad (formerly the Eureka Southern
Railroad) from the limitations of Federal Railroad
Administration Emergency Order No. 14. The relief allows
the railroad, using specified procedures, to transport
hazardous materials when the transportation is necessary for
the railroad to effect repairs on the railroad.

Transportation of hazardous materials for other purposes, as
well as passenger transportation, remain prohibited.

FOR FURTHER INFORMATION CONTACT: James T. Schultz, Regional
Administrator, Region 7, Federal Railroad Administration,

801 I Street, Suite 466, Sacramento, California 95814,
(916) 498-6540; or Nancy Lummen Lewis, Trial Attorney,
Office of Chief Counsel, Federal Railroad Administration,
400 Seventh Street, S.W., Washington, D.C., (202) 632-3162.

SUPPLEMENTARY INFORMATION: The Federal Railroad
Administration (FRA) gives notice of limited relief granted
to the Eureka Southern Railroad Company, now known as the
Northwestern Pacific Railroad (NWP), from certain conditions
of this emergency order. This relief will permit the NWP to
transport hazardous materials, under circumstances specified
in this notice, over its line of track between Willits and
Fort Seward, California (milepost 145.5 to milepost 216.6).

Background

As issued June 7, 1990, this emergency order prohibited
Eureka Southern Railroad Company from operating passenger
service and from transporting hazardous materials on its
line between Willits and Eureka, California (milepost 142.5
to milepost 284.1). On October 1, 1990, FRA published
notice that the emergency conditions no longer existed
between mileposts 142.5 and 145.5, and between mileposts
216.6 and 284.1. The restrictions of the emergency order
were lifted on those areas of track. In a third notice,

published November 27, 1992, FRA stated that the prohibitions of the emergency order for the remaining track continued in effect for the new owner of the Eureka Southern Railroad, the North Coast Railroad Authority. The North Coast Railroad Authority operates the NWP.

In July, 1996, the NWP requested that FRA allow the railroad to transport fuel oil to contractors performing work on the NWP right-of-way within the restricted area. The fuel oil is needed for railroad internal use to service heavy earth moving equipment. There exists no other means of access to these work areas.

Following investigations conducted by FRA, I conclude that the relief requested by NWP is necessary to facilitate the railroad's efforts to maintain and improve its trackage. The relief requested is in the interest of railroad safety.

Relief

NWP may transport over its rail line between Willits and Fort Seward, California materials required by 49 C.F.R. Parts 171-179 to be placarded as hazardous under the following terms and conditions:

(1) The material(s) must be for the internal use only by NWP for construction, maintenance and operation of the

railroad.

(2) Any movement of the material(s) shall be transported by special train, operated solely for that purpose.

(3) Maximum speed of train movements of the material(s) shall be 10 miles per hour, regardless of any higher track speed specified by the railroad.

(4) NWP shall provide written notice of intended movements of the material(s) to the county or counties in which the movements shall take place, as well as to the California Public Utilities Commission and to FRA's Regional Office in Sacramento, California. Each notice shall state the material(s) to be moved and the point of origination and point of destination. The notice shall be provided no less than five days prior to the movement.

(5) Prior to any movement, the NWP chief mechanical officer shall inspect and certify in writing that any car carrying the material(s) is safe and in compliance with applicable Federal regulations. An inspection and certification will not be necessary for any movement for the purposes of repositioning the car for loading or unloading when such a movement starts and ends on the same track and

that track is other than main track.

(6) Any car carrying the material(s) shall be placed so that inadvertent movement, inclement weather, or other occurrence will not cause the car or its contents to fall in any river, stream or other body of water.

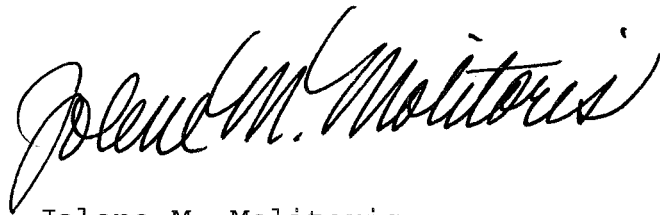
This limited lifting of Emergency Order No. 14 is contingent upon NWP's compliance with the terms of the relief. The issuance of this Notice does not preclude imposition of another emergency order should NWP violate those terms.

The restrictions set forth in Emergency Order No. 14 continue to apply to all rail transportation of passengers and of hazardous materials not for internal use by NWP on that portion of track between Willits and Fort Seward, California. Although Eureka Southern was named as the respondent in the Order, its terms and conditions were intended to apply to any successors. Therefore, the terms and conditions apply to Northwestern Pacific Railroad, as the railroad is now known.

This Order remains in effect on this track until the NWP, or any successor thereto, makes sufficient repairs to receive relief under the provisions of the Order. Each

train movement in violation of this Order shall subject NWP
or any subsequent owner or operator committing the violation
to a civil penalty of up to \$20,000. 49 U.S.C. §§ 20104,
20111.

Issued in Washington, D.C. on *January 23, 1997*

A handwritten signature in cursive script that reads "Jolene M. Molitoris". The signature is written in black ink and is positioned above the printed name and title.

Jolene M. Molitoris
Administrator