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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33701]

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

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over UP's rail line located between UP milepost 484.9 and UP milepost 500.95, in Los Angeles, CA, that constitutes a portion of the Alameda Rail Corridor (Corridor).¹

The exemption became effective on December 30, 1998, but the exempted transaction is not scheduled to be consummated until approximately March 2002.²

The trackage rights are part of the overall coordination of rail operations along the Corridor that will give BNSF and UP access to facilities and terminals in the Ports of Los Angeles and Long Beach, CA. This transaction is related to STB Finance Docket No. 33700, The Burlington Northern and Santa Fe Railway Company—Operation Exemption—A Line of Railroad Owned by the City of Los Angeles, CA, Through its Board of Harbor Commissioners, wherein BNSF has

¹ The rail line is being constructed by the City of Los Angeles and the City of Long Beach on property acquired from predecessors of BNSF and UP. See Alameda Corridor Construction Application, Finance Docket No. 32830 (STB served May 13, 1996).

² While Board authorization of these trackage rights must be effective by December 31, 1998 in order to comply with the funding requirements for the Corridor construction project, the trackage rights will commence upon substantial completion of the Corridor, which is currently expected to be on or about March 2002.

concurrently filed a verified notice of exemption to acquire operating authority over a segment of rail line owned by the Port of Los Angeles that also constitutes a portion of the Corridor.

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 it 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 Docket No. 33701, 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 Karl Morell, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

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

Decided: December 30, 1998.

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

Vernon A. Williams

Secretary