

Voting Conference, February 23, 2005

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Union Pacific Railroad Company–Temporary Trackage Rights Exemption–
BNSF Railway Company
STB Finance Docket No. 34417 (Sub-No. 3)

Chairman Nober, Vice Chairman Buttrey, Commissioner Mulvey, good morning.

In this proceeding, Union Pacific Railroad Company requests that the Board partially revoke the class exemption to permit the modified trackage rights arrangement previously exempted to expire on or about May 16, 2005. The arrangement involves a temporary grant by BNSF Railway Company of local trackage rights over a 4-mile BNSF line near Endicott, Nebraska, to permit UP to continue to serve the shipper there until permanent arrangements can be made for alternative rail service to this shipper. Because the temporary trackage rights granted here again are local rather than overhead, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8).

The draft decision before you grants the petition for partial revocation and exempts the temporary trackage rights at issue to permit the trackage rights to expire, as sought by the parties. The draft also imposes Oregon Short Line employee protective conditions to protect any employee adversely affected by the discontinuance of trackage rights.

If you have any questions, we will be glad to respond to them now.