

28585

SERVICE DATE - NOVEMBER 24, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33502]

Portland & Western Railroad, Inc.--Acquisition and Operation Exemption--The Burlington  
Northern and Santa Fe Railway Company

Portland & Western Railroad, Inc. (PNWR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire<sup>1</sup> and, to the extent it does not already have such authority, to operate 62.74 miles of rail lines owned by The Burlington Northern and Santa Fe Railway Company in the State of Oregon, described as follows: (1) between (a) BN milepost 16.87 near Bowers Junction and BN milepost 18.83 near Bendemeer, (b) BN milepost 18.83 to BN milepost 21.26, and (c) BN milepost 21.50 to BN milepost 22.00 at or near Orenco, a distance of approximately 4.89 miles; (2) between BN milepost 17.07 at Bowers Junction and BN milepost 27.84 near Banks, a distance of approximately 10.77 miles; (3) between BN milepost 4.68 near Hillsboro and BN milepost 10.28 near Forest Grove, a distance of approximately 5.60 miles; (4) between BN milepost 25.52 near St. Marys Junction and BN milepost 26.71 near St. Marys, a distance of approximately 1.19 miles; (5) between BN milepost 31.28 near Greton and BN milepost 64.70 near Hopmere, a distance of approximately 33.42

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<sup>1</sup> PNWR states that it is buying the rail, track materials, and other personal property necessary for rail service and that it is acquiring an exclusive rail easement over the underlying property.

miles; and (6) between BN milepost 10.00 at or near United Junction and BN milepost 16.87 at or near Bowers Junction, a distance of approximately 6.87 miles.<sup>2</sup>

PNWR expected to commence operations on or about November 14, 1997, the effective date of the exemption.

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 Docket No. 33502, 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 on: Eric M. Hocky, Esquire, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

Decided: November 17, 1997.

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

Vernon A. Williams

Secretary

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<sup>2</sup> PNWR states that it currently operates most of the lines under lease authority obtained in Portland & Western Railroad, Inc.--Lease and Operation Exemption--Lines of Burlington Northern Railroad Company, Finance Docket No. 32766 (ICC served Jan. 5, 1996).

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