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SERVICE DATE – JUNE 14, 2006

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34880]

Union Pacific Railroad Company–Trackage Rights Exemption–BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail line between BNSF milepost 0.69 near Portland, OR, and BNSF milepost 8.1 near North Portland Junction, OR, a distance of approximately 7.41 miles.

The transaction was scheduled to be consummated on or after June 1, 2006, but consummation could lawfully occur no earlier than June 2, 2006, the effective date of the exemption (7 days after the exemption was filed).<sup>1</sup>

The purpose of the trackage rights is to create an additional overhead routing for UP trains in the Portland, OR area.

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).

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<sup>1</sup> A decision served on June 5, 2006, denied a petition to stay the operation of the notice of exemption filed by John D. Fitzgerald, for and on behalf of the United Transportation Union-General Committee of Adjustment. Dennis R. Pierce filed a letter on June 5, 2006, on behalf of the Brotherhood of Locomotive Engineers and Trainmen – General Committee of Adjustment in support of the stay request of Mr. Fitzgerald.

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 Docket No. 34880, 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 Robert T. Opal, General Commerce Counsel, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

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“WWW.STB.DOT.GOV.”

Decided: June 7, 2006.

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

Vernon A. Williams

Secretary