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SERVICE DATE - DECEMBER 20, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33821]

Union Pacific Railroad Company--Trackage Rights Exemption--Elgin, Joliet and Eastern Railway Company

Elgin, Joliet and Eastern Railway Company (EJ&E) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) from Joliet, IL (milepost 1.8), through West Chicago, IL (milepost 29), to the end of EJ&E's ownership at Waukegan, IL (milepost 75), a distance of approximately 76 miles.<sup>1</sup>

The transaction could have been consummated on or after December 7, 1999,<sup>2</sup> the effective date of the exemption.

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<sup>1</sup> A redacted version of the trackage rights agreement between EJ&E and UP was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order [which was granted in a decision served December 14, 1999.]

<sup>2</sup> Pursuant to 49 CFR 1180.4(g), a railroad must file a verified notice with the Board at least 7 days before the trackage rights are to be consummated. In its verified notice, UP indicated a proposed consummation date of "as soon as possible after December 1, 1999." Because the verified notice was filed on November 30, 1999, however, consummation could not have taken place prior to December 7, 1999. UP's representative has been contacted and has confirmed that consummation would not take place before December 7, 1999.

On December 3, 1999, the City of West Chicago and Joseph Szabo, for and on behalf of the United Transportation Union-Illinois Legislative Board, filed petitions to stay the scheduled effective date of the subject trackage rights. By decision served December 6, 1999, the petitions for stay were denied.

The purpose of the trackage rights is to permit UP to improve operation of its trains and expedite interchange of traffic with UP's connecting railroads in the Chicago area by permitting UP to use the EJ&E trackage for some of its traffic to avoid routes through the Chicago gateway.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk & Western Ry. Co.--Trackage Rights--BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.--Lease & Operate, 360 I.C.C. 653 (1980).

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. 33821, 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 Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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

STB Finance Docket No. 33821

Decided: December 14, 1999.

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

Vernon A. Williams

Secretary