

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33438

ALABAMA & GULF COAST RAILWAY, LLC--ACQUISITION AND OPERATION  
EXEMPTION--THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: October 28, 1997

On July 23, 1997, Alabama & Gulf Coast Railway, LLC (ALA) filed a verified notice of exemption under 49 CFR 1150.31, et seq., from the provisions of 49 U.S.C. 10901 to acquire and operate approximately 140.58 miles of railroad line owned by The Burlington Northern and Santa Fe Railway Company (BNSF). The line is located between milepost 776.10 near Kimbrough, AL, and milepost 916.68 in Pensacola, FL.<sup>1</sup> Notice of the exemption was served and published in the Federal Register on August 14, 1997 (62 FR 43576). The exemption became effective on July 30, 1997, and the transaction was scheduled to be consummated on or after September 1, 1997.

On August 7, 1997, the United Transportation Union filed a petition to revoke the exemption. ALA and BNSF replied on August 26, 1997.

The petition to revoke raises issues that require further consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(d) to consider UTU's revocation request. At this time, there does not appear to be a need for the parties to submit additional evidence.

It is ordered:

1. Under 49 U.S.C. 10502(d), a proceeding is instituted to consider UTU's petition to revoke.
2. The proceeding will be completed by August 5, 1998.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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<sup>1</sup> Under the proposal, ALA would also acquire incidental trackage rights over BNSF's line between milepost 776.10 near Kimbrough, AL, and milepost 762.5 near Magnolia, AL, a distance of 13.6 miles, as well as temporarily assigned trackage rights over a 43.1-mile segment of CSX Transportation, Inc. between milepost L621.7 near Atmore, AL, and milepost L635.4 near Catonment, FL, pending completion of repairs to the line acquired from BNSF.