

37034

SERVICE DATE – JUNE 7, 2006

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34876]

BNSF Railway Company–Temporary Trackage Rights Exemption–Norfolk Southern
Railway Company

Norfolk Southern Railway Company (NSR) has agreed to grant temporary trackage rights to BNSF Railway Company (BNSF) between milepost S241.9, at C.A. Junction, MO, and milepost S250.6, at Maxwell, MO, NSR's Kansas City District, a distance of 8.7 miles.

The transaction was scheduled to be consummated on May 28, 2006. The temporary trackage rights were to expire on May 30, 2006.

The purpose of this transaction is for bridging BNSF's train service while the BNSF main lines are out of service.

As a condition to this exemption, any employees affected by the acquisition of temporary 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), and any employees affected by the discontinuance of these temporary trackage rights will be protected by the conditions set out in Oregon Short Line R. Co.– Abandonment – Goshen, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it 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. 34876, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Sidney L. Strickland Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

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

Decided: June 1, 2006.

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

Vernon A. Williams

Secretary