

28706

SERVICE DATE - DECEMBER 30, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33516]

Illinois Railnet, Inc.—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Illinois Railnet, Inc. (IR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF) and to operate approximately 56.67 miles of rail line between milepost 40.73, near Montgomery, and milepost 97.40, at Streator, in Kendall and LaSalle Counties, IL. In addition, IR will acquire for a 99-year period incidental overhead trackage rights from BNSF between milepost 40.73, near Montgomery, and milepost 33.4, near Eola, including operations over tracks 1, 2, and 3 in the Sheep Yard near milepost 40.0, in the vicinity of Montgomery and over all tracks in the Eola rail yard.¹

The earliest the transaction could be consummated was December 9, 1997, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 33517, North American Railnet, Inc.—Continuance in Control Exemption—Illinois Railnet, Inc., wherein North

¹ On December 11, 1997, a petition to stay operation of the exemption filed by IR was filed by Joseph C. Szabo, on behalf of United Transportation Union-Illinois Legislative Board. The petition for stay was denied by the Board in Illinois Railnet, Inc.—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 33516 (STB served Dec. 16, 1997).

American Railnet, Inc. has concurrently filed a verified notice to continue in control of IR upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding 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. 33516, 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 John D. Heffner, Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: December 16, 1997.

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

Vernon A. Williams

Secretary

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