

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35121

BURLINGTON SHORTLINE RAILROAD, INC., D/B/A BURLINGTON JUNCTION
RAILWAY – ACQUISITION AND OPERATION EXEMPTION –
BNSF RAILWAY COMPANY

Decided: April 16, 2008

By notice filed on March 18, 2008, the Burlington Shortline Railroad, Inc., d/b/a the Burlington Junction Railway (BJR), has invoked the Board's class exemption at 49 CFR 1150.41 to acquire from BNSF Railway Company (BNSF) and to operate approximately 2.5 miles of track and related property located at Montgomery, IL.¹ The notice was served and published in the Federal Register on April 3, 2008, and the exemption is scheduled to become effective on April 17, 2008.

On April 10, 2008, Ozinga, Bros., Inc. (Ozinga) filed a petition asking the Board to reject or stay the exemption. Neither BJR nor BNSF has responded as yet to Ozinga's petition for stay.

A housekeeping stay of the exemption will be imposed until further order of the Board. A housekeeping stay will allow the Board to consider any replies to Ozinga's petition and to make an informed decision.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The effective date of the exemption in this proceeding is stayed until further order of the Board.

¹ BJR describes the line as the two BNSF tracks numbered 3905 and 3930 on the map submitted as Exhibit A-3 attached to its notice of exemption. BJR asserts that there are no mileposts on the property to be conveyed but that the line connects to the BNSF main line near milepost 39.

2. This decision is effective on its date of service.

By the Board, Charles D. Nottingham, Chairman.

Anne K. Quinlan
Acting Secretary