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SERVICE DATE - NOVEMBER 7, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34406

UNION PACIFIC RAILROAD COMPANY—TRACKAGE RIGHTS EXEMPTION—
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: November 5, 2003

On September 5, 2003, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1180.2(d)(7) to acquire trackage rights from The Burlington Northern and Santa Fe Railway Company (BNSF) over a line of railroad on BNSF's Pikes Peak Subdivision between BNSF milepost 107.9 in or near Bragdon, CO, and BNSF milepost 120.3 (617.51) in or near Pueblo, CO, a total distance of approximately 12.4 miles. A notice of exemption was served and published in the Federal Register on September 25, 2003 (68 FR 55429). The transaction was scheduled to be consummated on September 12, 2003.

On October 14, 2003, UP filed a letter requesting that the notice of exemption be vacated. UP states that the transaction has not been consummated and that UP and BNSF have decided not to proceed with the trackage rights arrangement. Accordingly, the request to vacate the notice of exemption will be granted.

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

It is ordered:

1. UP's request to vacate the notice of exemption is granted.
2. The notice served and published in the Federal Register on September 25, 2003, is vacated.
3. This proceeding is discontinued.

4. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary