

29644

SERVICE DATE - OCTOBER 13, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33665]

Twin Cities & Western Railroad Company--Trackage Rights Exemption--Minnesota
Commercial Railway Company

Minnesota Commercial Railway Company has agreed to grant overhead trackage rights to Twin Cities & Western Railroad Company (TCW) on its rail line (the Subject Line), which is located entirely within the State of Minnesota. The rail line extends south from St. Anthony, where it connects with a line of railroad owned and operated by The Burlington Northern and Santa Fe Railway Company (BNSF), to Merriam Park, where it connects with a line of railroad owned and operated by the Soo Line Railroad Company, d/b/a Canadian Pacific Railway (CPR).

The transaction was scheduled to be consummated on or after September 30, 1998.

The purpose of the overhead trackage rights is to allow TCW to avoid severe congestion on the BNSF line, on which TCW has existing trackage rights, between St. Anthony and CPR's St. Paul Yard. Specifically, the trackage rights will permit TCW to enter St. Paul via the CPR line, in accordance with a TCW-CPR interchange agreement.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees.

Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction

involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

This notice is filed under 49 CFR 1180.2(d)(7). 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. 33665, 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 Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

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

Decided: October 5, 1998.

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

Vernon A. Williams

Secretary