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SERVICE DATE – MARCH 14, 2014

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35809]

Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF  
Railway Company

BNSF Railway Company (BNSF), pursuant to a written trackage rights agreement dated March 1, 2014, has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP) between milepost 579.3 near Mill Creek, Okla., on BNSF's Creek Subdivision and milepost 631.0 near Joe Junction, Tex., on BNSF's Madill Subdivision, a distance of 51.7 miles.

The transaction may be consummated on or after March 30, 2014, the effective date of the exemption (30 days after the verified notice of exemption was filed).<sup>1</sup> The temporary trackage rights will expire on November 30, 2014. The purpose of the temporary trackage rights is to allow UP to move loaded and empty unit ballast trains to be used for UP maintenance of way projects.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc., 354 I.C.C. 605 (1978), as modified in Mendocino Coast Railway, Inc.—Lease & Operate—California Western Railroad, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of

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<sup>1</sup> UP states that the transaction will be consummated on April 1, 2014.

those trackage rights will be protected by the conditions set out in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

This notice is filed under 49 C.F.R. § 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 effectiveness of the exemption. Petitions for stay must be filed no later than March 21, 2014 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35809, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Jeremy M. Berman, Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our website at  
“[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: March 6, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.