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SERVICE DATE - MAY 20, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33570]

Oregon Pacific Railroad Company--Acquisition and Operation Exemption--East Portland Traction Co. and Molalla Western Railway

Oregon Pacific Railroad Company (OPR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate certain rail lines of East Portland Traction Co. (EPTC) and Molalla Western Railway (MWRL)¹ in Clackamas and Multnomah Counties, OR. The line to be acquired from EPTC extends from EPTC milepost 0.26 (at its connection with Union Pacific Railroad Company's (UP) Portland-Eugene mainline at UP MP 769) at or near East Portland, OR, to milepost 4.54 at Milwaukie, a distance of 4.28 miles, and includes 2.11 miles secondary and yard trackage, for a total trackage of 6.39 miles to be operated in Clackamas County, OR. The line to be acquired from MWRL extends from a connection with the UP main track at UP milepost 747.568 in the city of Canby, OR, to MP 757.50 at Molalla, a distance of 9.93 miles, and includes 1.45 miles of secondary and yard trackage, for a total trackage of 11.38 miles to be operated in Clakamas County, OR. The projected revenues of OPR will not exceed those of a Class III railroad.

¹ An agreement was reached among the parties on December 31, 1996, to transfer all assets from both EPTC and MWRL to OPR effective January 1, 1997. Due to oversight, OPR has been operating the rail lines since January 1, 1997, without appropriate authority from the Board.

Because OPR did not file its verified notice, as amended, until May 4, 1998, the effective date of the exemption was May 11, 1998 (7 days after the exemption was filed).²

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. 33570, 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 Richard A. Samuels, President, Oregon Pacific Railroad Company, P.O. Box 22548, Portland, OR 97269.

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

Decided: May 12, 1998.

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

Vernon A. Williams

Secretary

² Under 49 CFR 1150.32(b), a notice of exemption does not become effective until 7 days after filing.