

## Service Date- December 12, 1996

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SURFACE TRANSPORTATION BOARD'  
Finance Docket No. 327

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY, AND  
MISSOURI PACIFIC RAILROAD COMPANY--CONTROL AND MERGER--SOUTHERN  
PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION  
COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP., AND  
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

[Decision No. 65 12

Decided: December 12, 1996

In Decision No. 44, the Board imposed a condition (referred to as the CMTA condition) that requires that BNSF be granted the right to interchange traffic with the operator of the Giddings s Llano line either at Giddings or at Elgin.. The Board directed the interested parties (CMTA, Longhorn, UP/SP, and BNSF) to submit, by December 10, 1996, either agreed-upon terms or separate proposals respecting implementation of the CMTA condition. The Board added, however, that one implementation detail (the choice between Giddings and Elgin) could be decided unilaterally by CMTA. Decision No. 44, slip op. at 182-83 and 233 (ordering paragraph 31) .3

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Proceedings before the Interstate Commerce Commission (ICC) that remained pending on January 1, 1996, must be decided under the law in effect prior to that date if they involve functions retained by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803. This proceeding was pending with the ICC prior to January 1, 1996, and relates to functions retained under Surface Transportation Board (Board) jurisdiction pursuant to new 49 U.S.C. 11323-27. Citations are to the former sections of the statute, unless otherwise indicated.

2 This decision embraces: Finance Docket No. 32760 (Sub-No. 1), Union Pacific Railroad Company Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis South western Railway Company, SPCSL Corp., and The Denver and Ric Grande Western Railroad Company--Trackage Rights Exemption-Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company; Finance Docket No. 32760 (Sub-No. 2), Surlinatou Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company--Petition for Exempt-ion--acquisition and Operation of Trackage in California, Texas, and Louisiana; Finance Docket No. 32760 (Sub-No. 10), Responsive Application Capital Metropolitan Transformation Authority; Finance Docket No. 32760 (Sub-No. 19), Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company--Trackage Rights Exemption--Union Pacific Railroad Company, Missouri Pacific Railroad Comnany, Southern Pacific Transportation Company-St. Louis Southwestern Railway Company, .The Denver and Rio Grande Western Railroad Company, and The Southern Illinois & Missouri Bridge Company; and STB Finance.Docket No. 32760 (Sub-No. 20), The Atchison, Topeka and Santa Fe Railway Company--Trackage Rights Exemotou--Southern Pacific Transportation Comcanv

.3 Capital metropolitan Transportation Authority, which holds a mass transit easement over a segment of the Giddings - Llano line, and which indicated that it intended to purchase the line by the end of 1996, is referred to as CMTA. The new operator of the line, Central of Tennessee Railway & Navigation Company Incorporated, d/b/a The Longhorn Railway Company, is referred to as Longhorn. Union Pacific Railroad Company and

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In a joint petition (designated CMTA-13, LHRR-1, and BNSF-74) filed December 10, 1996, CMTA, Longhorn, and BNSF have jointly requested both a 30-day extension of the deadline (which, they indicate, UP/SP does not oppose) and a waiver of the service requirement.

The extension request is reasonable, and it will therefore be granted.

The service list in this proceeding includes numerous persons who have no particular interest in the CMTA condition, and the expense that would be incurred by CMTA, Longhorn, UP/SP, and BNSF in serving such persons with any further filings respecting such condition would be substantial. Accordingly, any further papers filed in this proceeding by CMTA, Longhorn, UP/SP, and/or BNSF, respecting the CMTA condition imposed in Decision No. 44 and respecting no other matter, need be served only upon CMTA, Longhorn, UP/SP, and BNSF, and upon any other party that has made, on or after the service date of this decision, a written request that such further papers be served upon such party.

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

It is ordered:

1 In Decision No. 44, ordering paragraph 31 (slip op. at 233) is modified by extending the submission deadline from December 10, 1996, to January 9, 1997..

2. The joint petition (designated CMTA-13, etc.) filed December 10, 1996, and any further papers filed in this proceeding by CMTA, Longhorn, UP/SP, and/or ENSF, respecting the CMTA condition imposed in Decision No. 44 and respecting no other matter, need be served only upon CMTA, Longhorn, UP/SP, and BNSF, and upon any other party that has made, on or after the service date of this decision, a written request that such further papers be served upon such party.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams

Secretary

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3(... continued)

Missouri Pacific Railroad Company are referred to collectively as UP. Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company are referred to collectively as SP. Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company are referred to collectively as BNSF. See also Decision No. 44, slip op. at 12 n.15 (description of the BNSF agreement)-

