

28590

SERVICE DATE - DECEMBER 2, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33509]

Colorado, Kansas & Pacific Railway Company—Acquisition and Operation

Exemption—Union Pacific Railroad Company

Colorado, Kansas & Pacific Railway Company (Colorado), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Union Pacific Railroad Company and to operate approximately 121.9 miles of rail line between milepost 747.5, near Towner, and milepost 869.4, near NA Junction, in Kiowa, Crowley, and Pueblo Counties, CO (Line).<sup>1</sup>

The transaction was expected to be consummated on or about November 17, 1997.

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.

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<sup>1</sup> The Line was the subject of an application for abandonment in Docket No. AB-3 (Sub-No. 130), Missouri Pacific Railroad Company--Abandonment--Towner-NA Junction Line in Kiowa, Crowley, and Pueblo Counties, CO, and discontinuance of trackage rights operations in the embraced Docket No. AB-8 (Sub-No. 38), The Denver and Rio Grande Western Railroad Company--Discontinuance of Trackage Rights--Towner-NA Junction Line in Kiowa, Crowley and Pueblo Counties, CO. The abandonment and discontinuance were granted in 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, SPCSC Corp., and The Denver and Rio Grand Western Railroad Company, Finance Docket No. 32760 (STB served Aug. 12, 1996). Colorado indicates that the abandonment was never consummated.

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. 33509, 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 John D. Heffner, Esq., Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: November 25, 1997.

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

Vernon A. Williams

Secretary

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