

21158

Service Date December 2, 1996

FR-4915-00-P
DEPARTMENT OF TRANSPORTATION
Surface Transportation Board
[S.B. Finance Docket No. 332931]

South Kansas and Oklahoma Railroad, Inc.--Trackage Rights Exemption--Kansas Eastern Railroad, Inc. Kansas Eastern Railroad, Inc.' (KER) , a Class III rail carrier, will agree to grant local trackage rights to South Kansas and Oklahoma Railroad, a Class III rail carrier, over its rail line between milepost 483.9, east of Augusta, KS, and milepost 343.7, west of Columbus, KS, a distance of 139.3 miles.

The transaction is scheduled to become effective immediately upon the consummation of the transaction in S.B. Finance Docket No. 33292.

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.

1 See Kansas Eastern Railroad, Inc.--Acquisition Exemption-- Burlington
Northern Railroad Company, S.B. Finance Docket No. 33292 (S.B. served Dec. 2, 1996).

S.B. Finance Docket No. 33293

This notice is filed under 49 CFR 1180.2(d)(7). If the notice 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 S.B. Finance Docket No. 33293, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW, Washington, DC 20423. In addition, a copy of each pleading must be served on: Karl Morell, Esq., Ball Janik LLP, Suite 225, 1455 F Street, NW, Washington, D.C. 20005

Decided: November 21, 1996

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

Vernon A. Williams

Secretary

