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SERVICE DATE - OCTOBER 7, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33662]

The Burlington Northern and Santa Fe Railway Company--Trackage Rights Exemption--
Omaha Public Power District

Omaha Public Power District (OPPD), a noncarrier, has agreed to grant local trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over OPPD's rail line,¹ between milepost 56.3 in Collegeview and milepost 6.0 in Arbor, a distance of approximately 50.3 miles in Otoe and Lancaster Counties, NE.²

The transaction is scheduled to be consummated on or shortly after October 1, 1998.

The purpose of the trackage rights is to permit BNSF using its own trains and crews to use OPPD's line through the end of the calendar year, at which time Kyle Railroad Company will assume operations over the line.³

¹ See Omaha Public Power District--Acquisition--The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 33447 (STB served Sept. 12, 1997).

² On September 28, 1998, BNSF filed a petition for exemption in STB Finance Docket No. 33662 (Sub-No. 1), The Burlington Northern and Santa Fe Railway Company--Trackage Rights Exemption--Omaha Public Power District, wherein BNSF requests that the Board permit the proposed local trackage rights arrangement described in the present proceeding to expire on December 31, 1998. That petition will be addressed by the Board in a separate decision.

³ See Kyle Railroad Company--Acquisition and Operation--Omaha Public Power District, STB Finance Docket No. 33642 (STB served Aug. 25, 1998).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk and Western Ry. Co.--Trackage Rights--BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.-Lease and Operate, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33662, 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, one copy of each pleading must be served on Sarah Whitley Bailiff, The Burlington Northern and Santa Fe Railway Company, 3017 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

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

Decided: September 30, 1998.

STB Finance Docket No. 33662

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

Vernon A. Williams

Secretary