

27981

SERVICE DATE - JULY 9, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33416]

The Burlington Northern and Santa Fe Railway Company--Trackage Rights Exemption--

Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over trackage located between a point in Houston, TX, near UP's milepost 377.98 (Gulf Coast Jct.), and a point in Beaumont, TX, near UP's milepost 458.69, a distance of approximately 80.7 miles.

The transaction is expected to be consummated on June 26, 1997, the effective date of the exemption.

The purpose of the trackage rights is to improve UP's and BNSF's operating efficiencies.

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 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 stay the transaction.

STB Finance Docket No. 33416

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33416, 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 Michael E. Roper, Senior General Attorney, The Burlington Northern and Santa Fe Railway Company, 3017 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

Decided: June 27, 1997.

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

Vernon A. Williams

Secretary