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SEC

SERVICE DATE - MAY 18, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32549 (Sub-No. 22)

BURLINGTON NORTHERN INC., AND BURLINGTON NORTHERN RAILROAD  
COMPANY — CONTROL AND MERGER — SANTA FE PACIFIC CORPORATION  
AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY  
[PETITION TO REOPEN — ROQUETTE AMERICA, INC.]

Decided: May 17, 2000

On February 15, 2000, Roquette America, Inc. (RAI) filed a petition to reopen the decision in Burlington Northern Et Al.—Merger—Santa Fe Pacific Et Al., 10 I.C.C.2d 661 (1995) (BNSF Merger),<sup>1</sup> to remedy an alleged loss of railroad competition at RAI's facilities at Keokuk, IA.<sup>2</sup> By petition filed April 28, 2000, RAI has requested leave to withdraw with prejudice its petition to reopen because it has reached an agreement with The Burlington Northern and Santa Fe Railway Company (BNSF) that resolves the matters at issue in this proceeding. According to RAI, BNSF has agreed to amend its 1995 haulage agreement with Union Pacific Railroad Company (UP) to provide that BNSF will haul for the benefit of UP Keokuk traffic to Chicago (for eastbound traffic) and Kansas City (for westbound traffic) over the former Chicago-Kansas City line of the Santa Fe. RAI states that this agreement will extend to Keokuk shippers the same remedy afforded shippers in Fort Madison, IA, in connection with the BN-Santa Fe merger. And RAI states that the amendment to the 1995 haulage agreement does not require Board approval. RAI's request to withdraw its petition will be granted.<sup>3</sup>

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<sup>1</sup> In BNSF Merger, our predecessor agency, the Interstate Commerce Commission, approved the acquisition of control of Santa Fe Pacific Corporation by Burlington Northern Inc., and the common control and merger of Burlington Northern Railroad Company (BN) and The Atchison, Topeka and Santa Fe Railway Company (Santa Fe).

<sup>2</sup> Responses or comments related to RAI's petition to reopen were filed by the Iowa Department of Transportation, Keokuk Junction Railway Company, and the United States Department of Justice. Parties requesting to be placed on the service list included: Joseph C. Szabo, Illinois Legislative Director for United Transportation Union; Nucor-Yamato Steel Company; and W.W. Whitehurst & Associates, Inc.

<sup>3</sup> On May 2, 2000, Keokuk Junction Railway Company (KJRY) asked the Board to defer its consideration of RAI's withdrawal request for a period of 30 days. RAI opposed KJRY's deferral  
(continued...)

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

It is ordered:

1. RAI's request for leave to withdraw its petition to reopen is granted. This proceeding is dismissed with prejudice.
2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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<sup>3</sup>(...continued)  
request and KJRY withdrew the deferral request on May 15, 2000.