

29880 SERVICE DATE - LATE RELEASE JANUARY 6, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33694]

City of Oakland, a Municipal Corporation of the State of California, acting by and through its Board of Port Commissioners--Acquisition Exemption--Union Pacific Railroad Company

The City of Oakland, a municipal corporation of the State of California, acting by and through its Board of Port Commissioners (Port of Oakland), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire the physical assets of a rail line and the underlying right-of-way from Union Pacific Railroad Company (UP), between milepost 4.97 and milepost 5.80, in Oakland, CA, a distance of approximately 0.83 miles. UP will retain a permanent, exclusive easement to provide rail freight service over the line.

The transaction is expected to be consummated on or shortly after December 18, 1998, but not later than December 31, 1998.

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.<sup>1</sup>

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33694, must be filed with the Surface Transportation Board, Office of the Secretary, Case

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<sup>1</sup> The Port of Oakland indicates that it will shortly be filing a motion to dismiss this notice on grounds that the Board lacks jurisdiction over the involved purchase. If such a motion is filed, it will be dealt with in a subsequent Board decision.

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Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, BALL JANIK LLP, Suite 225, 1455 F Street, N.W., Washington, DC 20005.

Board decisions and notices are available on our website at  
“[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: December 29, 1998.

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

Vernon A. Williams

Secretary