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SEC

Service Date - December 10, 1996

SURFACE TRANSPORTATION BOARD'

Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY, AND
MISSOURI PACIFIC RAILROAD COMPANY--CONTROL AND MERGER--SOUTHERN
PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION
COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP., AND
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

(Decision No. 64)

Decided: December 10, 1996

In Decision No. 44, the Board imposed a condition (referred to as the TUE condition) that: requires that the BNSF agreement be amended to permit KCS and BNSF to interchange TUE coal trains: (a) at Shreveport, for movement by BNSF over SP's line between Shreveport and Tenaha; and (b) at Texarkana, for movement by BNSF over UP's line between Texarkana and Longview. The Board directed the interested parties (TUE, UP/SP, BNSF, and KCS) to submit, by December 10, 1996, either agreed-upon terms or separate proposals respecting implementation of the TUE condition. Decision No. 44, slip op. at 186 and 233 (ordering paragraph 32).'

Proceedings before the interstate Commerce Commission (ICC) that remained pending on January 1, 1996, must be decided under the law in effect prior to that date if they involve functions retained by the ICC-- Termination Act of 1995, Pub. L. No. 7-04-88, 109 Stat. 803. This proceeding was pending with the ICC prior to January 1, 1996, and relates to functions retained under Surface Transportation Board (Board) jurisdiction pursuant to new 49 U.S.C. 11323-27. Citations are to the former section of the statute, unless otherwise indicated.

This decision embraces: Finance Docket No. 32760 (Sub-No.1), Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company SPCSL Corp. And The Denver and Rio Grande Western Railroad Company--Trackage Rights Exemption --Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company --Petition for Exemption -- Acquisition and Operation of Trackage in California, Texas, and Louisiana, Finance Docket No. 32760 (Sub-No.19), Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company --Trackage Right Exemption --Union Pacific Railroad Company Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. The Denver and Rio Grande Western Railroad Company and The Southern Illinois & Missouri Bridge Company and S.B. Finance Docket No.32760 (Sub-No. 20), The Atchison, Topeka and Santa Fe Railway Company-- Trackage Rights Exemption --Southern Pacific Transportation Company.

Texas Utilities Electric Company is referred to as TUE. The Kansas City Southern Railway Company is referred to as KCS. Union Pacific Railroad Company and Missouri Pacific Railroad Company are referred to collectively as UP. Southern Pacific Transportation Company, St. Louis Southwestern Railway Company SPCSL Corp. And The Denver and Rio Grande Western Railroad Company are referred to collectively as SP. Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company are referred to collectively as BNSF. See also Decision No, 44, slip op. At 12 n. 15 (description of the BNSF agreement).

Finance Docket No. 32760

In a joint petition (designated TUE-19, UP/SP-289, BNSF-73, and KCS-70) filed December 6, 1996, the interested parties have jointly requested both a 45-day extension of the deadline and a waiver of the certificate of service requirement.

The extension request is reasonable, and it will therefore be granted.

The service list in this proceeding includes numerous persons who have no particular interest in the TUE condition, and the expense that would be incurred by TUE, UP/SP, BNSF, and/or KCS in serving such persons with any further filings respecting such condition would be substantial. Accordingly, any further papers filed in this proceeding by TUE, UP/SP, BNSF, and/or KCS, respecting the TUE condition Imposed in Decision No. 44 and respecting no other matter, need be served only upon TUE, UP/SP, BNSF, and KCS, and upon any other party that has made, on or after the service date of this decision, a written request that such further papers be served upon such party.

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

It is ordered:

1. In Decision No. 44, ordering paragraph 32 (slip op. at 233) is modified by extending the submission deadline from December 10, 1996, to January 24, 1997.

2. The joint petition (designated TUE-19, etc.) filed December 6, 1996, and any further r)paper filed in this proceeding by TUE, UP/SP BNSF and/or KCS, respecting the TUE condition imposed in Decision No. 44 and respecting no other matter, need be served only upon TUE, UP/SP, BNSF, and KCS, and upon any other party that has made, on or after the service date of this decisions a written request that such further papers be served upon such party.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A, Williams,
Secretary

