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SERVICE DATE - JANUARY 27, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33539]

The Burlington Northern and Santa Fe Railway Company—Trackage Rights

Exemption—Southern Pacific Transportation Company

Southern Pacific Transportation Company (SPT) has agreed to grant overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over SPT's line between Caldwell, TX, in the vicinity of SPT's Ennis Subdivision milepost 30.8, and Placedo, TX, in the vicinity of SPT's Victoria Subdivision milepost 14.2, a distance of approximately 152.7 miles.¹

The transaction was scheduled to be consummated on January 19, 1998. The purpose of the trackage rights is improve the operating efficiencies of SPT and BNSF.

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

¹ The trackage rights are limited to southbound movements and are provided solely to facilitate directional operations between Houston, TX, and Placedo. In addition, the trackage rights will continue only so long as SPT continues to operate directionally between Houston and Placedo.

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. 33539, 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, Esq., The Burlington Northern and Santa Fe Railway Company, 3017 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

Decided: January 20, 1998.

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

Vernon A. Williams

Secretary

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