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SERVICE DATE - SEPTEMBER 1, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33639]

Dakota, Missouri Valley & Western Railroad, Inc.--Acquisition and Operation Exemption--

A Line of The Burlington Northern and Santa Fe Railway Company

Dakota, Missouri Valley & Western Railroad, Inc. (DMVW), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) ownership rights in (a permanent and exclusive rail service easement) and to operate over approximately 45.3 miles of rail line, owned by The Burlington Northern and Santa Fe Railway Company (BNSF), known as the McKenzie-Linton Line, between milepost 0.0 at McKenzie, Burleigh County, ND, and milepost 45.3 in Linton, Emmons County, ND.¹

The transaction is scheduled to be consummated on or before September 1, 1998.²

If this 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 does not automatically stay the transaction.

¹ DMVW will also acquire BNSF's interest in all railroad tracks, track materials and related track structures and facilities located between milepost 0.0 at McKenzie and milepost 28.7 at Hazelton, ND. BNSF will convey to DMVW the exclusive right to conduct rail freight transportation business on the entire McKenzie-Linton Line.

² The transaction could not be consummated no sooner than the August 10, 1998, effective date of the exemption.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33639, 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 Kevin M. Sheys, Oppenheimer Wolff Donnelly & Bayh LLP, 1350 Eye Street N.W., Suite 200, Washington, DC 20005-3324.

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Decided: August 25, 1998.

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

Vernon A. Williams

Secretary