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SERVICE DATE - OCTOBER 19, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33663]

The Burlington Northern and Santa Fe Railway Company--Trackage Rights Exemption--  
Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) between Beaumont, TX, in the vicinity of UP's milepost 30.17 and West Port Arthur, TX, in the vicinity of UP's milepost 12.7 (Sabine Branch); between West Port Arthur, TX, in the vicinity of UP's milepost 0.00 (Sabine Branch milepost 12.7) and Port Arthur, in the vicinity of UP's milepost 3.21 (Port Arthur Lead); and between Chaison Jct., TX, in the vicinity of milepost 0.0 (Sabine Branch milepost 26.1) and Chaison, TX, in the vicinity of UP's milepost 3.3 (Chaison Spur), for a total distance of 10.58 miles.

The transaction was expected to be consummated on or after October 6, 1998.<sup>1</sup>

The purpose of the overhead trackage rights is to obtain competitive access to additional industries.

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<sup>1</sup> Under 49 CFR 1180.4(g)(1), a trackage rights exemption is effective 7 days after the notice is filed. Although applicant indicated that the proposed transaction would be consummated on October 1, 1998, the notice was not filed until September 29, 1998, and thus the proposed transaction could not be consummated before the October 6, 1998 effective date. BNSF's representative has acknowledged by telephone that the transaction may not be consummated prior to October 6, 1998.

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 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. 33663, 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 Yolanda M. Grimes, The Burlington Northern and Santa Fe Railway Company, P. O. Box 961039, Fort Worth, TX 76161-0039.

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

Decided: October 9, 1998.

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

Vernon A. Williams

Secretary