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SERVICE DATE - MARCH 12, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33337]¹

Minnesota Northern Railroad, Inc.--Trackage Rights

Exemption--The Burlington Northern and Santa Fe Railway
Company

AGENCY: Surface Transportation Board.

ACTION: Notice of Exemption.

SUMMARY: The Burlington Northern and Santa Fe Railway
Company (BNSF) has agreed to grant overhead trackage rights
to Minnesota Northern Railroad, Inc. (MNR) over a line of
railroad between mileposts 31.0 and 33.0 near Erskine, MN.
The transaction was expected to be consummated on January
15, 1997.

This transaction arises out of an agreement between
BNSF and MNR whereby MNR has acquired 204.1 miles of track,
as well as certain incidental trackage rights. See the

¹ Minnesota Northern Railroad, Inc. (MNR) filed the notice of exemption on January 8, 1997. MNR also filed a motion for a protective order on January 9, 1997. On January 13, 1997, the United Transportation Union (UTU) filed a petition to revoke the exemption, reject the notice, and/or stay the effectiveness of the notice. On January 14, 1997, a decision was served denying UTU's stay petition. The petition to reject or revoke and the motion for a protective order will be handled in separate decisions.

notice of exemption filed in Minnesota Northern Railroad, Inc.--Acquisition and Operation Exemption--Burlington Northern Railroad Company, STB Finance Docket No. 33315, and a related notice of exemption filed in RailAmerica, Inc.--Continuance in Control Exemption--Minnesota Northern Railroad, Inc., STB Finance Docket No. 33316. These transactions were scheduled to be consummated on or after December 27, 1996.

This notice is filed under 49 CFR 1180.2(d)(7). 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 does not automatically stay the transaction.

An original and 10 copies of all pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423.² A copy of all pleadings must be served on petitioner's representative: Edward D. Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

² The Board is relocating on March 16, 1997. See Surface Transportation Board--1997 Office Relocation Business Plan, STB Ex Parte No. 546 (STB served Feb. 21, 1997).

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).

Decided: February 28, 1997.

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

Vernon A. Williams
Secretary