

28528

SERVICE DATE - NOVEMBER 21, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33500]

Rutland Line, Inc.—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Rutland Line, Inc. (RLI), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 23 miles of rail line from The Burlington Northern and Santa Fe Railway Company (BNSF) from milepost 42.67, at Geneseo Junction, ND, to milepost 65.60, at the North Dakota/South Dakota border (subject line).<sup>1</sup> RLI will also acquire BNSF's interest in certain spur trackage and real estate at Hankinson and Lidgerwood, ND. In addition, RLI will obtain incidental operating rights to operate overhead rail freight services on BNSF's lines from milepost 212.32, at Breckenridge, MN, to milepost 195.6, at Aberdeen Line Junction, MN, and from milepost 0.00, at Aberdeen Line Junction, to milepost 0.60, at BN Junction, MN. Further, BNSF will also assign to RLI its operating rights under a July 5, 1955 agreement from BNSF milepost 0.60, at BN Junction, to CPRS<sup>2</sup> milepost 205.6, at Hankinson, and its operating rights under a

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<sup>1</sup> RLI will enter into an agency agreement with Red River Valley & Western Railroad (RRVW) whereby RRVW will perform operations in RLI's name and for RLI's account on the subject line. However, RLI will retain the obligation to provide common carrier service on the subject line.

<sup>2</sup> This abbreviation refers to joint BNSF/Soo Line Railroad Company track.

September 18, 1959 agreement from CPRS milepost 205.6, at Hankinson, to BNSF milepost 42.67, at Geneseo Junction.

The transaction was scheduled to be consummated on or after October 30, 1997. Because the exemption was filed on October 24, 1997, the transaction could not have been consummated sooner than October 31, 1997.

This transaction is related to STB Finance Docket No. 33501, Douglas M. Head, Kent P. Shoemaker and Charles H. Clay—Continuance in Control Exemption—Rutland Line, Inc., wherein the named individuals have concurrently filed a petition for exemption to continue in control of RTI, upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding 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. 33500, 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 Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: November 14, 1997.

By the Board, Beryl Gordon, Acting Director, Office of Proceedings.

Vernon A. Williams

Secretary

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