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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33313]

The Kansas City Southern Railway Company--Trackage Rights
Exemption--Burlington Northern Railroad Company

Burlington Northern Railroad Company (BN)¹ has agreed to grant overhead trackage rights to The Kansas City Southern Railway Company (KCS) over a total of approximately 25.9 miles of rail line over the portion of BN's Birmingham subdivision between the BN-KCS connection at New Albany, MS (line segment 1001 - BN milepost 562.3), and the BN-KCS connection at Tupelo, MS (BN milepost 588.2). The transaction was expected to be consummated on February 5, 1997.

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.

¹ On December 31, 1996, The Atchison, Topeka and Santa Fe Railway Company was merged with and into BN, with the surviving corporation named The Burlington Northern and Santa Fe Railway Company; any reference to BN in this order shall be understood to refer to the new entity.

The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33313, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: William J. Wochner, Esq., The Kansas City Southern Railway Company, 114 West Eleventh Street, Kansas City, MO 64105.

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 5, 1997.

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

Vernon A. Williams
Secretary