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SERVICE DATE - JULY 17, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33631]

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

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) from milepost 345.6, at Tower 55-UPRRX near Fort Worth, to milepost 217.3, near Temple, a distance of 128.3 miles in the State of Texas.¹

The transaction was scheduled to be consummated on July 13, 1998.

The purpose of the trackage rights is to permit UP to use BNSF trackage while UP's trackage is out of service for maintenance..

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).

¹ On July 6, 1998, UP filed a petition for exemption in STB Finance Docket No. 33631 (Sub-No. 1), Union Pacific Railroad Company—Trackage Rights Exemption— The Burlington Northern and Santa Fe Railway Company, wherein UP requests that the Board permit the overhead trackage rights arrangement described in the present proceeding to expire on July 31, 1998. That petition will be addressed by the Board in a separate decision.

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. 33631, 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 Joseph D. Anthofer, Esq., 1416 Dodge Street, No. 830, Omaha, NE 68179.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: July 13, 1998.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams

Secretary