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SERVICE DATE - MARCH 12, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33315]¹

Minnesota Northern Railroad, Inc.--Exemption--Acquisition
and Operation of Rail Line and Incidental Trackage Rights
From Burlington Northern Railroad Company

AGENCY: Surface Transportation Board

ACTION: Notice of Exemption.

SUMMARY: Minnesota Northern Railroad, Inc. (MNR) filed a
notice of exemption under 49 CFR 1150.31-34 to acquire from
Burlington Northern Railroad Company (BN)² and operate
approximately: (1) 33.25 miles of rail line on the MN
Junction at Ada, MN, between Ada Subdivision milepost 80.25

¹ RailAmerica, Inc., originally filed the notice of exemption on December 11, 1996. On December 16, 1996, the United Transportation Union (UTU) filed a petition to revoke, reject, and/or stay. On December 18, 1996, RailAmerica filed a notice of withdrawal. On December 20, 1996, RailAmerica filed an amended notice of exemption. On December 24, 1996, UTU filed a supplemental petition to revoke, reject, and/or stay. The stay was filed too close to the consummation date for the stay to be acted on. The petition to reject or revoke will be handled in a subsequent decision.

² On December 31, 1996, The Atchison, Topeka and Santa Fe Railway Company merged with and into the Burlington Northern Railroad Company. The name of the surviving corporation is The Burlington Northern and Santa Fe Railway Company. In this notice we will continue to refer to this entity as BN.

and 47.0; (2) 20.6 miles of rail line on the Redline Junction at Fertile, MN, between Fertile Subdivision mileposts 65.7 and 45.1; (3) 13.0 miles of rail line on the Tilden Junction at Red Lake Falls, MN, between Grand Forks Subdivision mileposts 56.84 and 13.0 miles east; (4) 44.25 miles of rail line on the MN Junction at Perley, MN, between P Line Subdivision Mileposts 65.25 and 21.0; and (5) 93 miles of rail line on the St. Hilaire line at Warroad, MN, between Warroad Subdivision mileposts 11.0 and 104.0.

Concurrent with the above transaction, MNR will acquire overhead trackage rights for the purposes of: (1) interchanging rail freight cars and equipment between MNR and BN at BN's Crookston, MN, railyard and (2) moving locomotives, cars and equipment between the rail lines over BN's Grand Forks Subdivision rail line between milepost 81.5 west of Crookston, and milepost 31.0 at Erskine, MN, and also over all yard tracks in BN's Crookston rail yard. In addition, MNR will acquire BN's trackage rights to operate over the Soo Line Railroad Company between milepost 273.0 at or near Erskine and milepost 309.5 at or near Thief River Fall, MN. BN will retain overhead trackage rights only, without serving any industries on the line, to provide rail

freight service over the Perley line, between P Line Subdivision milepost 65.25 and milepost 21.0.

The transaction was scheduled to be consummated on December 27, 1996.

Concurrently, RailAmerica, Inc. (RailAmerica), which controls MNR, filed a notice of exemption in RailAmerica, Inc.--Continuance in Control Exemption--Minnesota Northern Railroad, Inc., STB Finance Docket No. 33316, to exempt under 49 CFR 1180.2(d) and 1180.4(g) from the prior approval requirements of 49 U.S.C. 11323 to permit RailAmerica to continue in control of MNR. This transaction was also scheduled to be consummated on December 27, 1996.

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 referring to STB Finance Docket No. 33315 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423. A copy of all pleadings must be served on petitioner's representative: Edward D.

STB Finance Docket No. 33315

Greenberg, Esq., Galland, Kharasch, & Garfinkle, P.C., Canal
Square, 1054 Thirty-First St., N.W., Washington, DC 20007.

Decided:

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

Vernon A. Williams

Secretary