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SERVICE DATE - NOVEMBER 6, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33676]

Minnesota Commercial Railway Company—Lease and Operation Exemption—Union
Pacific Railroad Company

Minnesota Commercial Railway Company (MC), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire by long-term lease from the Union Pacific Railroad Company (UP) and operate approximately 2.95 miles +/- of industrial trackage in an area known as the Southeast Minneapolis Switching District.¹

Because MC's projected annual revenues after the transaction will exceed \$5 million, MC has certified to the Board that the required notice of the transaction was sent to the national offices of the labor unions representing employees on the line and posted at the workplace of the employees on the affected lines on August 31 1998. See 49 CFR 1150.42(e).² The transaction was scheduled to be consummated on November 1, 1998.

¹ MC notes that the trackage is all yard limit industrial switching territory and that no mileposts are assigned this area by UP.

² While the required notice to employees had been given on August 31, 1998, MC did not certify to the Board that it had done so until October 22, 1998, when it filed its notice of exemption. The exemption would normally become effective 60 days after MC's certification to the Board that it had complied with the Board's rule at 49 CFR 1150.42(e). In a decision in this proceeding served on October 30, 1998, however, the Board found that sufficient notice to rail employees and their representatives had been given in this case and, at the request of MC, waived, in part, the 60-day period to allow consummation on November 1, 1998.

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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. 33676, 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 Eugenia Langan, Esq., Shea and Gardner, 1800 Massachusetts Avenue, N.W., Washington, DC 20036.

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

Decided: November 2, 1998.

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

Vernon A. Williams

Secretary