

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34549

ILLINOIS RAILNET, INC.—ACQUISITION AND OPERATION EXEMPTION—
BNSF RAILWAY COMPANY¹

Decided: March 11, 2005

By notice of exemption filed on September 27, 2004, under 49 CFR 1150.41, Illinois Railnet, Inc. (Illinois) sought to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF), and to operate two lines of railroad, totaling approximately 24.7 miles, in Ogle, La Salle, and Bureau Counties, IL, as follows: (1) a portion of BNSF's Oregon Subdivision between milepost 98.75 at Oregon, and milepost 105.78 at Mt. Morris, and (2) a portion of BNSF's La Salle Subdivision between milepost 25.7 at La Salle, and milepost 43.36 at Zearing. The transaction was scheduled to be consummated on October 8, 2004.

On January 26, 2005, the United Transportation Union (UTU) filed a petition to revoke the exemption. UTU indicated in its petition that it intended to engage in discovery. On February 10, 2005, Illinois filed a reply to UTU's petition to revoke. Illinois supplied UTU with various documents responsive to the discovery request, including the redacted version of the sale agreement between Illinois and BNSF. UTU states that it requested the unredacted version of the document by e-mail on February 23, 2005. UTU states that Illinois did not respond to the February 23 request. UTU states that it contacted Illinois by telephone on or about February 28, 2005, and on March 8, 2005, requesting the unredacted version of the document. UTU states that Illinois has refused to answer whether it will supply the requested document.

On March 9, 2005, UTU filed a motion to compel and a motion for an extension of time to file its supplemental petition to revoke.

The request for an extension of time is reasonable and will be granted. As requested by UTU, the new due date for UTU's supplemental petition to revoke and for Illinois' reply will be established once the Board rules on the motion to compel.

¹ Effective January 20, 2005, the name of "The Burlington Northern and Santa Fe Railway Company" was changed to "BNSF Railway Company."

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. UTU's extension request to file its supplemental petition is granted.
2. The deadline for submission of supplemental petitions to revoke in this proceeding by UTU, and the due date for replies to the supplemental petitions to revoke are extended until the Board rules on the motion to compel and sets a procedural schedule for the submission of statements.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary