

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32985¹

UNION PACIFIC RAILROAD COMPANY--TRackage RIGHTS EXEMPTION--
ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

STB Finance Docket No. 32986

MISSOURI PACIFIC RAILROAD COMPANY--TRackage RIGHTS EXEMPTION--
ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

Decided: January 9, 1997

On August 21, 1996, in STB Finance Docket No. 32985, the Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1180.2(d)(7) to acquire overhead trackage rights over a line of the Elgin, Joliet and Eastern Railway Company (EJ&E) from the northern end of the EJ&E at Waukegan, IL, at approximate milepost 74, through West Chicago, IL (milepost 29), Joliet, IL (milepost 0), and Chicago Heights, IL (milepost 25), and Gary, IN (milepost 12 and milepost 45, including Kirk Yard), to South Chicago, IL (milepost 0), including EJ&E's City Track Line between Gary and Goff, IN, and EJ&E's Whiting Line from Cavanaugh, IN, to Calumet Tower, IN, a total distance of approximately 130 miles. Concurrently, in STB Finance Docket No. 32986, the Missouri Pacific Railroad Company (MP) filed a notice of exemption to acquire overhead trackage rights over the same line. Several parties filed petitions to reject, revoke an/or stay operation of the notices.

The notices of were served and published on September 10, 1996 (61 FR 47781). Thereafter, in a decision served September 12, 1996, operation of the notices was stayed pending resolution of the requests for rejection and revocation.

Subsequently, in a decision served December 12, 1996, the Board determined that the process UP, MP, and EJ&E proposed to employ in these cases was unusual and warranted additional comments by the parties on several issues.

On December 19, 1996, however, UP and MP filed a letter requesting permission to withdraw their notices of exemption in these proceedings. The railroads indicate that, in order to avoid the possible problems discussed in the Board's December 12 decision, they will file individual notices of exemption for operation over discrete segments of EJ&E trackage "when the parties reach agreements for each such operation."

The requested permission will be granted, and these proceedings will be dismissed.

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

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

It is ordered:

1. The parties are granted permission to withdraw the notices of exemption filed in these proceedings, and the proceedings are dismissed.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary