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SERVICE DATE - JULY 25, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33427]

The Burlington Northern and Santa Fe Railway Company--Trackage Rights Exemption--

Union Pacific Railroad Company

Union Pacific Railroad Company has agreed to grant local trackage rights to The Burlington Northern and Santa Fe Railway Company over approximately 1 mile of rail line between milepost 601.5 and milepost 602.5 in Casper, WY, for the purpose of serving the facility of Black Hills Bentonite, LLC.

The transaction was expected to be consummated on July 21, 1997.¹

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).

This notice is filed under 49 CFR 1180.2(d)(7). 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 will not stay the transaction.

¹ Under 49 CFR 1180.4(g)(1), a notice of exemption is effective 7 days after it is filed. Although applicant indicated that the proposed transaction would be consummated on July 21, 1997, because the notice was filed on July 15, 1997, the proposed transaction could not be consummated before the July 22, 1997 effective date.

STB Finance Docket No. 33427

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33427, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001 and served on: Michael E. Roper, Senior General Attorney, The Burlington Northern and Santa Fe Railway Company, P. O. Box 961039, Fort Worth, TX 76161-0039.

Decided: July 18, 1997.

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

Vernon A. Williams

Secretary