

37749

SERVICE DATE – FEBRUARY 15, 2007

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34979]

BNSF Railway Company—Trackage Rights Exemption—Grand Trunk Western
Railroad Incorporated

Pursuant to a written trackage rights agreement dated December 18, 2006, Grand Trunk Western Railroad Incorporated (CN) has agreed to grant overhead trackage rights to BNSF Railway Company (BNSF) over a line of railroad known as CN's Elsdon Subdivision extending between the connection with Norfolk Southern Corporation (NS) trackage at or near CN's milepost 8.5 and the connection with NS at the west end of CN's Fence Track at or near CN's milepost 6.1, a distance of approximately 2.4 miles, all within the State of Illinois.¹

The transaction is scheduled to be consummated on March 1, 2007.²

¹ A redacted version of the trackage rights agreement between CN and BNSF was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

² The trackage rights agreement provides for an initial term of 20 years from December 18, 2006, and that BNSF shall have the right to terminate the agreement upon advising CN 60 days in advance by written notice. The parties must seek appropriate Board authority for the trackage rights to expire.

The purpose of the trackage rights is the movement of specific traffic between Corwith, IL, and Railport, IL. BNSF will operate its own trains with its own crews over the line.

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 automatically stay the effectiveness of the exemption. Stay petitions must be filed by February 22, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34979, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Sidney L. Strickland Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

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

Decided: February 6, 2007.

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

Vernon A. Williams

Secretary