

SURFACE TRANSPORTATION BOARD<sup>1</sup>

Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY, AND MISSOURI PACIFIC RAILROAD COMPANY--CONTROL AND MERGER--SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP., AND THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

[Decision No. 70]

Decided: April 9, 1997

In Decision No. 44, the Board approved the common control and merger of the rail carriers controlled by Union Pacific Corporation (Union Pacific Railroad Company and Missouri Pacific Railroad Company) and the rail carriers controlled by Southern Pacific Rail Corporation (Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company) subject to various conditions, including certain environmental mitigation conditions respecting the City of Reno, NV (hereinafter referred to as the Reno conditions). See Decision No. 44, slip op. at 220-23, 237 (ordering paragraph 62), and 278-79 (conditions 22a, 22b, 22c, and 22d). Common control was consummated on September 11, 1996.<sup>2</sup>

In a pleading (UP/SP-301) filed April 4, 1997, applicants UPRR and SPT have: (1) submitted their first set of interrogatories and requests for the production of documents to the City of Reno (hereinafter referred to as Reno); and (2) petitioned for waiver of the otherwise applicable service requirements respecting the UP/SP-301 pleading and any future pleadings concerning the Reno conditions.

This decision addresses that portion of the UP/SP-301 pleading wherein applicants have sought a waiver of the otherwise applicable service requirements. Applicants contend that, aside from applicants and Reno, the only other parties with any possible interest in the Reno conditions are the City of Wichita (Wichita) and Sedgwick County (Sedgwick). See Decision No. 44, slip op. at 279-80 (similar environmental mitigation conditions respecting the City of Wichita and Sedgwick County, KS).

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<sup>1</sup> Proceedings before the Interstate Commerce Commission (ICC) that remained pending on January 1, 1996, must be decided under the law in effect prior to that date if they involve functions retained by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803. This proceeding was pending with the ICC prior to January 1, 1996, and relates to functions retained under Surface Transportation Board (Board) jurisdiction pursuant to new 49 U.S.C. 11323-27. Citations are to the former sections of the statute, unless otherwise indicated.

<sup>2</sup> Union Pacific Corporation is referred to as UPC. Union Pacific Railroad Company (UPRR) and Missouri Pacific Railroad Company (MPRR) were formerly referred to collectively as UP. On January 1, 1997, MPRR merged into UPRR, see Decision No. 67, slip op. at 1 n.3; and, for the period beginning January 1, 1997, the acronym "UP," as used in this decision, shall be understood to refer to UPRR.

Southern Pacific Rail Corporation is referred to as SPR. Southern Pacific Transportation Company (SPT), St. Louis Southwestern Railway Company (SSW), SPCSL Corp. (SPCSL), and The Denver and Rio Grande Western Railroad Company (DRGW) are referred to collectively as SP.

UPC, UP, SPR, and SP are referred to collectively as applicants. See Decision No. 44, slip op. at 7 n.3.

The service list in this proceeding includes numerous persons who have no particular interest in the Reno conditions imposed in Decision No. 44, and the expense that would be incurred by applicants and Reno in serving such persons with any further filings respecting such conditions would be substantial. Therefore, any further papers filed in this proceeding by UP/SP, Reno, Wichita, or Sedgwick, respecting the Reno conditions imposed in Decision No. 44 and respecting no other matter, need be served only upon UP/SP, Reno, Wichita, and Sedgwick, and upon any other party that has made, on or after April 4, 1997, a written request that such further papers be served upon such party.

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

It is ordered:

1. The UP/SP-301 pleading, and any further papers filed in this proceeding by UP/SP, Reno, Wichita, and/or Sedgwick, respecting the Reno conditions imposed in Decision No. 44 and respecting no other matter, need be served only upon UP/SP, Reno, Wichita, and Sedgwick, and upon any other party that has made, on or after April 4, 1997, a written request that such further papers be served upon such party.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary