

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33326

I&M RAIL LINK, LLC--ACQUISITION AND OPERATION EXEMPTION--
CERTAIN LINES OF SOO LINE RAILROAD COMPANY
D/B/A CANADIAN PACIFIC RAILWAY

Decided: February 27, 1997

On January 14, 1997, I&M Rail Link, LLC (I&M) filed a notice of exemption under 49 CFR 1150.31 to acquire from Soo Line Railroad Company, d/b/a Canadian Pacific Railway (CPR), and operate a system consisting of approximately 1,109 miles of rail line and 262 miles of trackage rights in five Midwestern States.¹ The rail lines consist of CPR's (1) "KC Mainline" between Kansas City, MO, and Pingree Grove, IL, including trackage rights between Pingree Grove and Chicago, IL; and (2) "Corn Lines" between Sabula and Sheldon, IA, including branch lines and trackage rights in southern Minnesota. Related notices of exemption in STB Finance Docket No. 33327, Dennis Washington, et al.--Continuance in Control Exemption--I&M Rail Link, LLC, and STB Finance Docket No. 33328, Montana Rail Link, Inc.--Acquisition of Control Exemption--I&M Rail Link, LLC, were also filed on January 14, 1997.

On January 10, 1997, the United Transportation Union (UTU) petitioned to stay and revoke I&M's acquisition exemption, claiming that the transaction is not subject to 49 U.S.C. 10901. The City of Ottumwa, IA, and UTU officials Patrick C. Hendricks and Joseph C. Szabo petitioned to stay and revoke the exemptions in all three proceedings on January 21, 1997. The Transportation Communications International Union also filed a petition to revoke I&M's exemption on February 14, 1997.

I&M's acquisition exemption was scheduled to become effective on February 4, 1997. A decision served February 3, 1997, stayed the effective date of the exemption until March 6, 1997, and directed the parties to submit additional evidence and argument to enable the Board to make an informed decision on the issues presented. To enable the Board to fully consider the evidence, arguments, and issues in this case, the effective date of the exemption will be further postponed until April 4, 1997.

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

It is ordered:

1. The effective date of the exemption in this proceeding is further postponed to April 4, 1997.
2. This decision is effective on the date of service.

By the Board, Linda J. Morgan, Chairman.

¹ In its pleading filed February 13, 1997, I&M clarified that these are the correct mileages for the lines being acquired from CPR and for the trackage rights being granted and assigned by CPR.

Vernon A. Williams
Secretary