

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34330

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
— ACQUISITION AND OPERATION EXEMPTION —
MONTANA WESTERN RAILWAY COMPANY, INC.

Decided: May 16, 2003

By petition filed on March 25, 2003, The Burlington Northern and Santa Fe Railway Company (BNSF) seeks an exemption pursuant to 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323-25 to acquire the interest of the current operator and to operate a 52-mile line of railroad extending from Garrison to Butte, MT (the line). The current operator is Montana Western Railway Company, Inc., a Class III carrier and lessee of the line, which is owned by the Oregon Short Line Railroad, a subsidiary of Union Pacific Railroad Company (UP). BNSF requested expedited handling of its petition. Replies were due on May 5, 2003, for UP and May 14, 2003, for Louisiana-Pacific Corporation (LPC), a shipper on the line.¹

By letter filed on May 7, 2003, UP requests an extension until May 27, 2003, to file its reply. UP states that the purpose of the extension is to facilitate ongoing negotiations between UP and BNSF concerning this transaction. In a letter filed on May 15, 2003 (May 15 letter), BNSF agrees to UP's request. Also, by letter filed on May 13, 2003, LPC requests an additional 30-day extension to file its reply. LPC states that it needs more time to gain a better understanding from BNSF and UP of the consequences of the transaction. While BNSF, in its May 15 letter, objects to the additional 30-day extension sought by LPC, LPC has shown the need for a limited extension. Accordingly, this decision will authorize an extension until May 27, 2003, for UP to file its reply and until June 2, 2003, for LPC to file its reply.

It is ordered:

1. The deadline for UP to file its reply is extended to May 27, 2003.
2. The deadline for LPC to file its reply is extended to June 2, 2003.

¹ The original due date of April 14, 2003, was extended in decisions served on April 11 and April 14, 2003, for UP and LPC, respectively.

3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary