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SERVICE DATE - JULY 14, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33628]

Fort Worth and Western Railroad Company--Trackage Rights Exemption--The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Fort Worth and Western Railroad Company (FWWR) over BNSF's rail line in Fort Worth, TX, between milepost 2.08 and milepost 4.67, a distance of 2.59 miles.

The transaction was scheduled to be consummated on or soon after July 3, 1998, the effective date of the exemption.

The purpose of the overhead trackage rights is to allow FWWR to directly interchange traffic with Union Pacific Railroad Company (UP) in Peach Yard (milepost 2.08), thereby improving service, financial viability, and operations.

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 transaction.

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An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33628, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff Donnelly & Bayh LLP, 1350 Eye Street, N.W. Suite 200, Washington, DC 20005-3324.

Board decisions and notices are available on our website at  
“[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: July 6, 1998.

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

Vernon A. Williams

Secretary