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SERVICE DATE - MAY 21, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33567]

Albany & Eastern Railroad Company--Acquisition and Operation Exemption--The
Burlington Northern and Santa Fe Railway Company

Albany & Eastern Railroad Company (AERC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF), and to operate 17.40 miles of rail line between MP-14.50, at or near Lebanon, and MP-31.90, at or near Foster, in Linn County, OR.¹ AERC also is acquiring incidental trackage rights over Union Pacific Railroad Company's (UP) rail line between MP- 688.96, at or near Lebanon, and MP-691.52, at or near Albany, and over BNSF's line between MP-0.0, at Albany, and MP-0.89, east of Albany, in Linn County, OR, a total of 13.62 miles. The incidental trackage rights will permit AERC to interchange traffic with BNSF at its Albany yard.

The transaction was expected to be consummated on or shortly after May 8, 1998.

If the verified 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.

¹ AERC will acquire the track, ties, and other improvements, and a permanent, irrevocable easement to operate on this line, but not the real estate.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33567, 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, one copy of each pleading must be served on Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005-3934.

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

Decided: May 14, 1998.

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

Vernon A. Williams

Secretary