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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33702]

Union Pacific 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 Union Pacific Railroad Company (UP) over BNSF's rail line located between BNSF milepost 27.6 and BNSF milepost 28.3, in Los Angeles, CA, that constitutes a portion of the Alameda Rail Corridor (Corridor).¹

The transaction was scheduled to be consummated on substantial completion of the Corridor but not sooner than the December 30, 1998 effective date of the exemption.²

The trackage rights are part of the overall coordination of rail operations along the Corridor that will give UP and BNSF access to facilities and terminals in the Ports of Los Angeles and Long Beach, CA. This transaction is related to STB Finance Docket No. 33698, Union Pacific Railroad Company—Operation Exemption—A Line of Railroad Owned by the City of Los Angeles, CA, Through its Board of Harbor Commissioners, wherein UP has concurrently filed a verified notice of

¹ The rail line currently being constructed by the City of Los Angeles and the City of Long Beach on property acquired from predecessors of UP and BNSF. See Alameda Corridor Construction Application, Finance Docket No. 32830 (STB served May 13, 1996).

² Applicant notes that the trackage rights must be effective by December 31, 1998 in order to comply with funding requirements for the Corridor construction project. In other related filings, UP and BNSF have indicated that substantial completion of the Corridor is expected to be approximately March 2002.

exemption to acquire operating authority over a segment of rail line owned by the Port of Los Angeles that also constitutes a portion of the Corridor.

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 it 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33702, 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 Joseph D. Anthofer, Esq., 1416 Dodge Street, No. 830, Omaha, NE 68179.

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

Decided: December 30, 1998.

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

Vernon A. Williams

Secretary