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SERVICE DATE - APRIL 6, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33720]

Union Pacific Railroad Company—Trackage Rights Exemption—Blue Rapids Railway Company

Blue Rapids Railway Company (BRRC) has agreed to grant local trackage rights to Union Pacific Railroad Company (UP) over its line of railroad, known as the Bestwall Branch, extending from a UP junction at milepost 0.12 at Marysville to milepost 10.12 at Bestwall, a distance of 10 miles in Marshall County, KS.

The purpose of the trackage rights is to allow continued service on the line when the incumbent tenant withdraws.¹ The transaction is scheduled to be consummated upon receipt of authority in the related proceeding, STB Finance Docket No. 33652.

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).

¹ There is one shipper on the line located at Bestwall. The line is currently operated by Northeast Kansas & Missouri Division of Mid-Michigan Railroad, Inc. (NEKM), under a local trackage rights agreement, which is to be assigned to UP pursuant to this exemption. In a related proceeding, Union Pacific Railroad Company—Acquisition and Operation Exemption—Mid Michigan Railroad, Inc., STB Finance Docket No. 33652, UP seeks to acquire and operate the main line extending from St. Joseph, MO, to Upland, KS, near Maryville. That petition will be addressed by the Board in a separate decision.

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. 33720, 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, #830, Omaha, NE 68179.

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Decided: March 30, 1999.

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

Vernon A. Williams

Secretary