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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33700]

The Burlington Northern and Santa Fe Railway Company—Operation Exemption—A Line of Railroad Owned by the City of Los Angeles, CA, Through Its Board of Harbor Commissioners

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR 1150.31 to operate a rail line owned by the City of Los Angeles, CA, through its Board of Harbor Commissioners, a noncarrier. The 0.8-mile rail line involved in this transaction is located between milepost 17.0 and milepost 17.8, in Los Angeles, and will constitute part of the Alameda Rail Corridor (Corridor).¹

The exemption became effective on December 30, 1998, but the exempted transaction is not expected to be consummated until approximately March 2002.²

BNSF and the UP will operate the rail line as part of an overall coordination of rail operations along the Corridor that will give BNSF and UP access to facilities and terminals in the

¹ See Alameda Corridor Construction Application, Finance Docket No. 32830 (STB served May 13, 1996).

² In order to comply with the funding requirements for the Corridor construction project, applicant states that authorization by the Board for these operating rights must be effective by December 31, 1993. Applicant notes that the segment of track involved in this proceeding is located within the Port of Los Angeles and is currently being operated by BNSF and the Union Pacific Railroad Company (UP) without prior Board authority pursuant to the provisions of 49 U.S.C. 10906. According to applicant, upon substantial completion of the Corridor, on or about March 2002, the segment of track will become part of the Corridor, and at that time, operations over the track that are authorized by this exemption will begin.

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STB Finance Docket No. 33700

Ports of Los Angeles and Long Beach, CA.³ As part of the coordination project, BNSF has concurrently filed a verified notice of exemption in STB Finance Docket No. 33701, The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railway Company, to acquire overhead trackage rights.

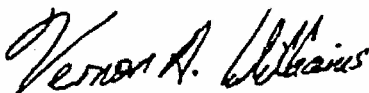
If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33700, 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 Karl Morell, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

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

³ UP has filed a separate notice of exemption to operate the line in 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.

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