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SERVICE DATE - MARCH 20, 1998

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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33563]

Texas Rock Crusher Railway Company—Acquisition and Operation Exemption—The
Burlington Northern and Santa Fe Railway Company

Texas Rock Crusher Railway Company (TXRC), 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 two disconnected lines of railroad (subject lines).¹ The first of these lines, known as the Camp Bowie Industrial Spur, extends between mainline milepost 349.01, on BNSF's Clovis, NM, to Houston, TX, mainline, and the end of track (no milepost), at the Camp Bowie Industrial Park in Brownwood, TX, a distance of 4.4 miles. The second of these lines, known as the Rock Crusher Spur, extends from mainline milepost 349.3 on BNSF's above-described mainline to end of line (no milepost), in Brownwood, TX, a distance of 1.25 miles. In addition, BNSF will grant TXRC incidental overhead freight trackage rights for ten 99-year terms between milepost 348.6 and milepost 349.4, near Brownwood, TX, including the use of the wye, to allow traffic originating on the Rock Crusher Spur to have access to BNSF's Brownwood Yard for interchange. BNSF will also grant TXRC incidental trackage rights over BNSF's

¹ The parties state that TNW Corporation (TNW), TXRC's corporate parent, entered into an agreement on February 11, 1998, with BNSF for the purchase of the subject lines. TNW subsequently assigned that agreement to TXRC.

Brownwood Yard trackage between milepost 345.5 and milepost 349.4 for switching and interchange and to allow movement to and from the Camp Bowie Industrial Spur and the Rock Crusher Spur.

The earliest the transaction could be consummated was March 6, 1998, the effective date of the exemption (7 days after the notice of exemption was filed).

This transaction is related to STB Finance Docket No. 33564, TNW Corporation—Continuance in Control Exemption—Texas Rock Crusher Railway Company, wherein TNW has concurrently filed a verified notice to continue in control of TXRC upon its becoming a Class III rail carrier.

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. 33563, must be filed with the Surface Transportation Board, Office of the Secretary, Case

STB Finance Docket No. 33563

Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, Esq., Rea, Cross & Auchincloss, 1707 L Street, N.W., Suite 570, Washington, DC 20036.

Decided: March 12, 1998.

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

Vernon A. Williams

Secretary