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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 32760 (Sub-No. 20)]

The Atchison, Topeka and Santa Fe Railway Company--Trackage Rights Exemption--Southern Pacific Transportation Company

Southern Pacific Transportation Company (SPT) will assign overhead trackage rights to The Atchison, Topeka and Santa Fe Railway Company over a total of approximately 3,683 feet of track owned by Kansas City Southern Railway (KCS) from KCS milepost 766.70 to SPT milepost 30.50 near Beaumont, TX.¹ The transaction is expected to be consummated on or about December 16, 1996.

These trackage rights are related to conditions imposed as part of the recently approved merger in Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande western Railroad Company; Finance Docket No. 32760 (STB served Aug. 12, 1996) (Decision No. 44).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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 stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32760 (Sub-No. 20), must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1202 Constitution Avenue, NW, Washington, DC 20423 and served on: (1) Richard E. Weicher, Vice President and General Counsel, The Atchison, Topeka and Santa Fe Railway Company, 6th Floor, 1700 East Golf Road, Schaumburg, IL 60173-5860; and (2) Gary A. Laakso, General Attorney, Southern Pacific Transportation Company, One Market Plaza, San Francisco, CA 94105.

¹ SPT have overhead trackage rights on this trackage pursuant to its 1979 Agreement with KSC, which was approved by the Interstate Commerce Commission (ICC) in Southern Pacific Transportation Company — Trackage Rights — Over Kansas City Southern Railway Company, Finance Docket No. 29441 (ICC served Dec. 1, 1980). SPT states that the instant verified notice of exemption corrects the description of the total footage and SPT milepost number stated in that ICC decision.

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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).

Decided: October 28, 1996.

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

Vernon A. Williams
Secretary