

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 34554 (Sub-No. 1)]

**Union Pacific Railroad Company—
Temporary Trackage Rights
Exemption—The Burlington Northern
and Santa Fe Railway Company**

AGENCY: Surface Transportation Board.

ACTION: Partial revocation of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, revokes the class exemption as it pertains to the trackage rights described in STB Finance Docket No. 34554 to permit the trackage rights to expire on or about December 31, 2004, in accordance with the agreement of the parties,¹ subject to the employee protective conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

DATES: This exemption will be effective on December 24, 2004. Petitions to stay must be filed by December 6, 2004. Petitions to reopen must be filed by December 14, 2004.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 34554 (Sub-No.1) must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioner's representative: Robert T. Opal, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1609. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: ASAP

¹ On September 17, 2004, the Union Pacific Railroad Company (UP) concurrently filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by The Burlington Northern and Santa Fe Railway Company (BNSF) to grant temporary local trackage rights to UP over a BNSF line of railroad between BNSF milepost 579.3 near Mill Creek, OK, and BNSF milepost 631.1 near Joe Junction, TX, a distance of approximately 51 miles. UP submits that the trackage rights are only temporary rights, but, because they are "local" rather than "overhead" rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8). See *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34554 (STB served Oct. 7, 2004). The trackage rights operations under the exemption were scheduled to begin on September 24, 2004.

Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706. Telephone: (202) 306-4004. [Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.]

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Decided: November 17, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams,
Secretary.

[FR Doc. 04-25932 Filed 11-23-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 34604]

**Rio Valley Railroad, Inc.—Acquisition
Exemption—Rail Lines of Union Pacific
Railroad Company in Cameron County,
TX**

Rio Valley Railroad, Inc. (RVRI), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire by lease approximately 17.38 miles of rail lines located in Cameron County, TX, from the Union Pacific Railroad Company (UP). RVRI will lease the following rail lines: (1) A portion of the Mission Industrial Lead from milepost 0.06, at a point 50 feet measured at a right angle from UP's Brownsville Subdivision main track No. 104 at Harlingen, TX, to milepost 1.00 in Harlingen Yard at Harlingen, TX; (2) the Santa Rosa Industrial Lead from milepost 0.00 in Harlingen Yard at Harlingen, TX, to milepost 11.38 near Rogers Lacy, TX; and (3) approximately 5 miles of track in Harlingen Yard at Harlingen, TX.

This transaction is related to STB Finance Docket No. 34605, *Rio Valley Switching Company—Operation Exemption—Rio Valley Railroad, Inc.*, wherein Rio Valley Switching Company seeks to operate the lines being leased by RVRI.

RVRI certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier. The transaction was scheduled to be consummated no sooner than November 2, 2004, the effective date of the exemption (7 days after the exemption was filed).

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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34604, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, #1890, Chicago, IL 60604-1112.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: November 17, 2004.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 34605]

**Rio Valley Switching Company—
Operation Exemption—Rio Valley
Railroad, Inc.**

Rio Valley Switching Company (RVSC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate, pursuant to an agreement with Rio Valley Railroad, Inc. (RVRI), approximately 17.38 miles of rail lines owned by the Union Pacific Railroad Company (UP) located in Cameron County, TX, consisting of: (1) A portion of the Mission Industrial Lead from milepost 0.06, at a point 50 feet measured at a right angle from UP's Brownsville Subdivision main track No. 104 at Harlingen, TX, to milepost 1.00 in Harlingen Yard at Harlingen, TX; (2) the Santa Rosa Industrial Lead from milepost 0.00 in Harlingen Yard at Harlingen, TX, to milepost 11.38 near Rogers Lacy, TX; and (3) approximately 5 miles of track in Harlingen Yard at Harlingen, TX.

This transaction is related to STB Finance Docket No. 34604, *Rio Valley Railroad, Inc.—Acquisition Exemption—Rail Lines of Union Pacific Railroad Company in Cameron County, TX*, wherein RVRI seeks to acquire by lease, the lines to be operated by RVSC.

RVSC certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier. The transaction was scheduled to be consummated no sooner than November 2, 2004, the effective date of the exemption (7 days after the exemption was filed).