

## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 33690]

**State of Georgia, Department of Transportation—Acquisition Exemption—Line of Central of Georgia Railroad Company**

The State of Georgia, Department of Transportation (GDOT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Central of Georgia Railroad Company (COG) certain railroad assets, including approximately 48.9 miles of rail line extending between milepost CC-445.4 near Chattanooga, Hamilton County, TN, and milepost CC-396.5 near Lyerly, Chattanooga County, GA.

GDOT, COG, and Chattooga and Chickamauga Railway Company (CCKY), a Class III rail carrier, will enter into certain agreements whereby GDOT will acquire from COG fee title to certain railroad assets, but not including the right to conduct common carrier freight operations. The assets will be sold by COG to GDOT, with COG retaining a permanent easement to conduct operations over the line. In a separate and concurrently executed agreement, COG will transfer its retained easement and all rights and obligations pertaining to the assets, including but not limited to the right to maintain and repair the physical assets on the line to CCKY, which will continue to conduct freight operations over the line.<sup>1</sup> It is intended that CCKY will assume COG's common carrier obligation, and that neither COG nor GDOT will have a common carrier obligation to provide freight services when the transaction is completed. COG and CCKY will retain their existing interchange arrangement at Chattanooga, TN.

The transaction was scheduled to take place as soon as possible after the December 18, 1998 effective date of the notice of exemption.

This transaction is related to STB Finance Docket No. 33691, *Chattooga and Chickamauga Railway Company—Acquisition and Operation Exemption—Line of Central of Georgia Railroad Company*, wherein CCKY seeks to acquire the right to conduct common carrier freight operations over the line being acquired by GDOT.

If the notice contains false or misleading information, the exemption

is void *ab initio*.<sup>2</sup> 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. 33690, 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 Luke Cousins, Georgia Department of Transportation, #2 Capitol Square, Atlanta, GA 30334-1002.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: December 31, 1998.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 99-278 Filed 1-7-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[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**

Union Pacific Railroad Company (UP) 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).<sup>1</sup>

The exemption became effective on December 30, 1998, but the exempted transaction is not expected to be consummated until approximately March 2002.<sup>2</sup>

<sup>2</sup> A motion to dismiss has been filed in this proceeding. The motion will be addressed in a subsequent Board decision.

<sup>1</sup> See *Alameda Corridor Construction Application*, Finance Docket No. 32830 (STB served May 13, 1996).

<sup>2</sup> 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 UP and The Burlington Northern Santa Fe Railroad (BNSF) 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

UP and BNSF will operate the rail line as part of an overall coordination of rail operations along the Corridor that will give UP and BNSF access to facilities and terminals in the Ports of Los Angeles and Long Beach, CA.<sup>3</sup> As part of the coordination project, UP has concurrently filed a verified notice of exemption in STB Finance Docket No. 33702, *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe 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. 33698, 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. Antofer, Esq., 1416 Dodge Street, No. 830, Omaha, NE 68179.

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.

[FR Doc. 99-207 Filed 1-7-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 33702]

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

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail line located between BNSF

2002, the segment of track will become part of the Corridor, and at that time, operations over the track will require the Board authorization being requested in this proceeding.

<sup>3</sup> BNSF has filed a separate notice of exemption to operate the line in 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*.

<sup>1</sup> CCKY currently conducts operations over the line pursuant to its lease agreement with COG.

milepost 27.6 and BNSF milepost 28.3, in Los Angeles, CA, that constitutes a portion of the Alameda Rail Corridor (Corridor).<sup>1</sup>

The transaction was scheduled to be consummated on substantial completion of the Corridor but not sooner than the December 30, 1998 effective date of the exemption.<sup>2</sup>

The trackage rights are part of the overall coordination of rail operations along the Corridor that will give UP and BNSF access to facilities and terminals

<sup>1</sup> The rail line currently being constructed by the City of Los Angeles and the City of Long Beach on property acquired from predecessors of UP and BNSF. See *Alameda Corridor Construction Application*, Finance Docket No. 32830 (STB served May 13, 1996).

<sup>2</sup> Applicant notes that the trackage rights must be effective by December 31, 1998 in order to comply with funding requirements for the Corridor construction project. In other related filings, UP and BNSF have indicated that substantial completion of the Corridor is expected to be approximately March 2002.

in the Ports of Los Angeles and Long Beach, CA. This transaction is related to 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*, wherein UP has concurrently filed a verified notice of exemption to acquire operating authority over a segment of rail line owned by the Port of Los Angeles that also constitutes a portion of the Corridor.

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).

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. 33702, 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, No. 830, Omaha, NE 68179.

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Decided: December 30, 1998.

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

**Vernon A. Williams,**  
Secretary.

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