

transaction will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges and no changes in employment. See 49 CFR 1182.2(a)(7). Additional information may be obtained from applicant's representative.

On the basis of the application, we find that the proposed acquisition and merger are consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

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This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### *It Is Ordered*

1. The proposed acquisition and merger is approved and authorized, subject to the filing of opposing comments.
2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.
3. This decision will be effective on January 8, 2001, unless timely opposing comments are filed.
4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration—HMCE—20, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: November 15, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 00-29728 Filed 11-21-00; 8:45 am]

**BILLING CODE 4515-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33948  
(Sub-No. 1)]

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

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Notice of exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 33948<sup>1</sup> to permit the trackage rights to expire on February 15, 2001, in accordance with the agreement of the parties.

**DATES:** This exemption will be effective on December 22, 2000. Petitions to reopen must be filed by December 12, 2000.

**ADDRESSES:** An original and 10 copies of all pleadings referring to STB Finance Docket No. 33948 (Sub-No. 1) must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 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, 1416 Dodge Street, Room 830, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar (202) 565-1600. (TDD 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: Da-To-Da Office Solutions, Suite 210, 1925 K Street, NW., Washington, DC 20006. Telephone: (202) 289-4357. (Assistance for the hearing impaired is available through TDD services 1-800-877-8339.)

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<sup>1</sup> On October 13, 2000, the Union Pacific Railroad Company (UP) filed a 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 overhead trackage rights to UP over 235 miles of BNSF's rail line between BNSF milepost 885.2 near Bakersfield, CA, and BNSF milepost 1120.54 near Stockton, CA. See *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33948 (STB served Oct. 26, 2000). The trackage rights agreement is scheduled to expire February 15, 2001. The trackage rights operations under the exemption were scheduled to be consummated on October 20, 2000.

Decided: November 14, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 00-29726 Filed 11-21-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33961]

#### City of Yelm, WA—Acquisition Exemption—Line of The Burlington Northern and Santa Fe Railway Company

The City of Yelm, Washington (the City), a municipality of the State of Washington, a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire approximately 4.57 miles of rail line known as the Prairie Line<sup>1</sup> from The Burlington Northern and Santa Fe Railway Company (BNSF) between milepost 20.99 near Roy, WA, and milepost 25.56 near Yelm, WA, in Pierce and Thurston Counties, WA. The City certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

The transaction is expected to be consummated on or shortly after November 16, 2000.<sup>2</sup>

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. 33961, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Stephen L. Day, 1215—4th Avenue, Suite 800, Seattle, WA 98161-1090.

<sup>1</sup> The City states that it is its intent to have the above line operated by a yet-to-be-determined third party rail operator. The City further states that the line will be temporarily embargoed pending line maintenance and selection of an operator in the near future.

<sup>2</sup> The City reported that it intended to consummate the transaction on or before November 16, 2000 (emphasis added). The earliest the transaction can be consummated is November 16, 2000, the effective date of the exemption (7 days after the exemption was filed). The City's representative has been notified and has confirmed that consummation would not take place before November 16, 2000.