

*Lease and Operate*, 360 I.C.C. 653, 664 (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. 34788, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on User's representative: Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2875.

Board decisions and notices are available on its Web site at <http://www.stb.dot.gov>.

Decided: December 9, 2005.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-24144 Filed 12-16-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34789]

#### Dakota, Minnesota & Eastern Railroad Corporation—Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to supplement existing trackage rights of the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) at Aberdeen, SD, as explained herein. DM&E has existing trackage rights on BNSF's track at Aberdeen pursuant to a 1975 agreement between the Chicago, Milwaukee, St. Paul & Pacific (predecessor-in-interest of BNSF) and the Chicago and North Western Transportation Company (predecessor-in-interest of DM&E), which agreement was amended in 1986 (the 1975 agreement and the 1986 amendment are collectively referred to herein as the Agreement). The State of South Dakota, acting through the State Department of Transportation, as successor-in-interest to the South Dakota Railroad Authority (herein referred to as the State), owns the tracks between Aberdeen and Kidder, SD (herein referred to as the Rail Line). In addition to the trackage and interchange rights granted under the Agreement, BNSF will permit DM&E and the State (or the State's designee,

i.e., the State's contract operator acting as agent for the State) to interchange DM&E's traffic at Aberdeen in connection with the movement of traffic moving to, from, or via the Rail Line pursuant to the provisions outlined below.

(1) BNSF will permit DM&E and the State (or the State's designee) to interchange with one another in BNSF's Aberdeen Yard via the Interchange Access Line (the tracks on BNSF's Geneseo Subdivision between mileposts 118.60 and 115.08) without restrictions for traffic which either originates or terminates on the Rail Line.

(2) BNSF will permit DM&E and the State (or the State's designee) to interchange with one another at Aberdeen Yard via the Interchange Access Line for traffic originating or terminating on DM&E in South Dakota, moving to or from points served by Canadian Pacific Railway's (CP's) network as it existed as of April 25, 2005 in: (a) North Dakota (not including the Dakota, Missouri Valley & Western Railroad or CP-affiliated shortlines) other than to or from industries which are (as of April 25, 2005) jointly served by CP and BNSF (e.g., industries at Valley City and Minot); and (b) Canada (including, but not limited to, Canadian export ports and CP-affiliated shortlines), provided such interchange rights extend only to movements of agricultural commodities (STCC's 01 and 20), fertilizers, ethanol, bentonite clay, and forest products, and further subject to certain unit train restrictions pertaining to North Dakota points.

(3) BNSF will permit DM&E to use the Interchange Access Line in conjunction with DM&E's existing trackage rights in order to facilitate interchange of cars between DM&E and the State, by and through the State's designee, on the State-owned trackage north of Aberdeen, subject to certain restrictions.

The trackage rights granted by BNSF were scheduled to become effective on or after December 6, 2005. The purpose of the trackage rights is to allow DM&E to enjoy, at Aberdeen, expanded interchange access for traffic moving to, from, or via the Aberdeen-Kidder Line.

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, 610-15 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653, 664 (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. 34789, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on DM&E's representative: Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2875.

Board decisions and notices are available on its Web site at <http://www.stb.dot.gov>.

Decided: December 9, 2005.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-24145 Filed 12-16-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34787]

#### D&I Railroad Company—Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to grant 159.2 miles of limited overhead trackage rights to D&I Railroad Company (D&I) between Sioux Falls, SD, at milepost (MP) 74.1 (MP 74.1 is just north of West Junction, SD), and Wolsey, SD, at MP 707.0 (MP 707.0 is north of the diamond crossing of the Dakota, Minnesota & Eastern Corporation (DM&E) at Wolsey). The trackage rights run: between Sioux Falls, SD, and Canton, SD; between Canton, SD, and Mitchell, SD; and between Mitchell, SD, and Wolsey, SD. The trackage rights apply only to the movement of aggregates (STCC series 14219, 14412, 14413, and 14919) moving in cars in D&I's account, originating at Dell Rapids, SD, interchanged to DM&E at Wolsey, SD, and terminating at DM&E-served destinations in South Dakota (provided, however, that DM&E may transport such aggregates beyond South Dakota where necessary for DM&E's operations).

The trackage rights granted by BNSF were scheduled to become effective on or after December 6, 2005. The purpose of the trackage rights is to allow D&I to move certain shipments of aggregates from Dell Rapids to Wolsey.

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, 610–15 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653, 664 (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. 34787, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on D&I's representative: Edward J. Krug, Krug Law Firm, PLC, 401 First Street, SE., P.O. Box 186, Cedar Rapids, IA 52406.

Board decisions and notices are available on its Web site at <http://www.stb.dot.gov>.

Decided: December 9, 2005.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 05–24146 Filed 12–16–05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34786]

#### Sioux Valley Regional Railroad Authority and D&I Railroad Company—Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to grant 136.70 miles of limited overhead trackage rights to Sioux Valley Regional Railroad Authority (SVRRA) and D&I Railroad Company (D&I): (1) On the Canton subdivision in Canton, SD, between milepost (MP) 49.40 and MP 50.01; (2) on the Mitchell subdivision between Canton, SD, at MP 294.80, and Mitchell, SD, at MP 373.58; and (3) on the Aberdeen subdivision between Mitchell, SD, at MP 649.69, and Wolsey, SD, at MP 707.00 (MP 707.00 is located north of the diamond crossing of the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) at Wolsey). These trackage rights apply only to the movement of aggregates (STCC series 14219, 14412, 14413, and 14919) moving in cars in SVRRA's or D&I's account, originating at Hawarden, IA,

interchanged to DM&E at Wolsey, SD, and terminating at DM&E-served destinations in South Dakota (provided, however, that DM&E may transport such aggregates beyond South Dakota where necessary for DM&E's operations). The agreement entered into by BNSF, on the one hand, and, on the other hand, SVRRA (a political subdivision of the State of South Dakota) and D&I (a sublessee/contract operator for SVRRA) provides that SVRRA can utilize the trackage rights with another sublessee/contract operator, subject to certain restrictions. The agreement further provides that, subject to certain restrictions, the trackage rights may be assigned to any lessee of the State of South Dakota for the line known as the Canton-Elk Point Corridor or to a party that acquires the Canton-Elk Point Corridor.

The trackage rights granted by BNSF were scheduled to become effective on or after December 6, 2005. The purpose of the trackage rights is to allow SVRRA/D&I to move certain commodities pursuant to the trackage rights.

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, 610–15 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653, 664 (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. 34786, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on SVRRA's and D&I's representative: Edward J. Krug, Krug Law Firm, PLC, 401 First Street, SE., P.O. Box 186, Cedar Rapids, IA 52406.

Board decisions and notices are available on its Web site at <http://www.stb.dot.gov>.

Decided: December 9, 2005.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 05–24147 Filed 12–16–05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34685 (Sub–No. 1)]

#### D&I Railroad Company—Trackage Rights Exemption—BNSF Railway Company

Pursuant to an earlier trackage rights agreement between BNSF Railway Company (BNSF) and D&I Railroad Company (D&I), D&I presently has overhead trackage rights over BNSF tracks: (a) In Sioux Falls, SD, between milepost (MP) 71.5 (East Junction) and MP 74.1 (just north of West Junction), between MPs 0.0 and 1.09 on the Madison Subdivision, and between MPs 145.45 and 145.91 on the Corson subdivision; (b) between Sioux Falls, SD (MP 69.9), and Canton, SD (MP 49.9), on the Canton Subdivision; and (c) between South Wye Switch, SD (MP 533.4, just south of Elk Point, SD) (formerly known as East Wye Switch and also referenced as Elk Point), and Sioux City, IA (MP 512.6), on the Aberdeen subdivision.

BNSF has agreed to grant the following additional overhead trackage rights to D&I: (1) At Canton, D&I's Sioux Falls-Canton trackage rights will be extended from MP 49.9 to MP 49.4 (Engineering Survey Number 6651.08=97+08.5 E.C.), where centerline of track leaves BNSF property and enters Sioux Valley Regional Railroad Authority (SVRRA) property; (2) D&I's South Wye Switch-Sioux City trackage rights will be extended from MP 512.6 to just east of Steuben Street, MP 512.36; (3) D&I will also receive additional operating rights on BNSF's "Blood Line" in Sioux City, solely for the purpose of effecting interchange with Union Pacific Railroad Company (UP) and Canadian National Railway Company (CN) at Sioux City, until such time as a direct connection to UP and CN is built, as contemplated in a letter agreement between BNSF and the State of South Dakota (the State), dated November 22, 2005.

Under the agreement with BNSF, the rights granted to D&I pertaining to movement of traffic between Canton and South Wye Switch, including Beresford, SD, to Hawarden, IA (as those lines existed as of April 25, 2005) (the "Existing Hawarden Line"), shall automatically be assigned to any State lessee of the Existing Hawarden Line who succeeds SVRRA as lessee, other than the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) or a successor thereto, or a Class I or Class II railroad, and may be assigned by SVRRA and its successor to another