

FINANCE-30490

EC

SERVICE DATE

JUL 9 1984

INTERSTATE COMMERCE COMMISSION

DECISION NO. 10

Finance Docket No. 30400

SANTA FE SOUTHERN PACIFIC CORPORATION-CONTROL-SOUTHERN PACIFIC
TRANSPORTATION COMPANY

Decided: July 3, 1984

WAIVER AND CLARIFICATION

Union Pacific Railroad Company and Missouri Pacific Railroad Company (collectively UP/MP), Kansas City Southern Railway Company (KCS), and Missouri-Kansas-Texas Railroad Company (MKT) seek waiver or clarification of certain requirements of the Commission's Railroad Consolidation Procedures, 49 C.F.R. Part 1180, in anticipation of filing one or more responsive applications in this proceeding. The UP/MP petition concerns 49 C.F.R. 1180.3(b), .6(a)(2)(v), .6(a)(8) and .6(b)(6)(1), and .9(a-c), the KCS petition concerns 49 C.F.R. 1180.3(b), .6(a)(8) and (9), and .9(a-c), and the MKT petition concerns 49 C.F.R. 1180.8(a)(4) and (5).^{1/}

Applicant Carriers, 49 C.F.R. 1180.3(b). UP/MP and KCS seek clarification that "applicant carriers", in the context of their trackage rights applications, refers to UP/MP and their subsidiaries and KCS and its subsidiaries, and that information concerning such applicant carriers may be submitted on a consolidated basis. UP/MP state that other related carriers will be identified either in the corporate chart or statement of intercorporate relationships. In Decision No. 8, served July 3, 1984, we concluded that the submission of information on a consolidated basis provides a more accurate, non-duplicative analysis. The request of UP/MP and KCS is granted. Further, UP/MP and KCS need not submit information concerning the primary applicants as "other carrier's involved in the transaction", because much of this information has already been provided in the primary application, and is best provided by primary applicants themselves.

Employee Impact, 49 C.F.R. 1180.6(a)(2)(v). UP/MP seek clarification that they may submit employee impact data in the format, and using the position classifications, shown in the appendix. Their proposal is adequate to provide the information we need and will be permitted.

Environmental and Energy Impact, 49 C.F.R. 1180.6(a)(8) and (9). UP/MP and KCS seek confirmation as to how they may submit environmental and energy data concerning their proposed trackage rights. They propose to describe (1) the locations and the lengths in miles of track over which trackage rights are sought, (2) the annual number of cars and trains expected to be added to the tracks over which trackage rights are sought, and (3) the net change in gross ton-miles and energy consumption expected to result from the trackage rights proposal. The information and

^{1/} 49 CPR 1180.4(f)(4) provides that a waiver or clarification granted one applicant shall apply to other parties unless otherwise provided.

data will be submitted on a segment by segment basis. UP/MP and KCS will submit the following data as Exhibits 4 and 5 to any trackage rights applications they file: the locations and the lengths in miles of all Atchison, Topeka and Santa Fe Railway Company (ATSF) and Southern Pacific Transportation Company (SPT) tracks that they seek trackage rights over; estimates of the annual number of cars, the annual number of trains, and the annual gross ton-miles which UP/MP and KCS will move over ATSF and SPT, by line segment, as a result of implementation of UP/MP and KCS trackage rights; estimates of annual changes in number of cars, number of trains, (if any) and gross ton-miles, moving over UP/MP and KCS, by line segment, as a result of implementation of trackage rights; an overall estimate of the annual net change in fuel consumption due to implementation of trackage rights proposals; locations of any connections required to be constructed in order to implement the operating plans; and locations, capacities, and additional land required, concerning construction of facilities, if any, necessary to implement the operating plans of UP/MP and KCS.

If UP/MP or KCS proposes to construct connections, they shall describe the locations of the connections, and, if their proposals entail construction of new facilities, they will describe the locations, capacities (i.e., trains per day), and requirements for additional land.

We will approve these proposals for the submissions of environmental and energy data concerning proposed trackage rights. In addition, all responsive trackage rights applications contemplating the operation of new or rerouted trains should state, for each line, the percentage of traffic, in cars, that will be diverted from other lines operated by the responsive applicant, by the primary applicants, and by other rail carriers.

Common Officers or Directors, 49 C.F.R. 1180.6(b)(6)(i). UP/MP request waiver of the requirement that they submit, with their corporate chart, a statement indicating common officers or directors for every entity on the chart. They assert that this information is not pertinent to a trackage rights application. They state that to the extent corporate relationships among UP/MP and their affiliates and subsidiaries are relevant, this information is available elsewhere. We agree. The corporate chart and statement of intercorporate or financial relationships required by 49 C.F.R. 1180.6(b)(6) and (8) provide sufficient information.

Financial Impact - Transferor, 49 C.F.R. 1180.9(a), (b), (c). UP/MP and KCS request clarification that they may use a format for financial impact that does not require them to supply balance sheets, income statements, and statements of sources and applications of funds for the primary applicants. They argue that the primary applicants are in a better position to submit this information. We agree, and will not require responsive applicants to submit this information.

Operational Data, 49 CFR 1180.8(a)(4) and (5). MKT seeks clarification that it need not supply, in its responsive trackage rights application, operational data concerning deferred maintenance, delayed capital improvements, and density charts for lines of the primary applicants. This type of information is probably available only to the primary applicants, and may be included in the primary application itself. MKT need not produce it.

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

It is ordered:

1. UP/MP's, KCS's, and MKT's petitions for waiver or clarification are granted to the extent set forth in this decision.

2. This decision will be effective on the date served.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

(SEAL)

James H. Bayne
Secretary

APPENDIX

CLASSIFICATIONS OF JOBS SHOWN IN
LABOR IMPACT DATA, SECTION 1180.6(a)(2)(v)

Blacksmiths
Boilermakers
Carmen
Clerks
Crane Operators
Dispatchers
Electricians
Enginemen
Laborers
Machinists
Nonagreement
Pipefitters
Railway Supervisors
Sheet Metal Workers
Signalmen
Trainmen
Yardmasters

SECTION 1180.6(a)(2)(v)
EFFECTS ON TRACKAGE RIGHTS APPLICANTS' EMPLOYEES

NONAGREEMENT EMPLOYEES

<u>Current Location</u>	<u>Classification</u>	<u>Jobs Transferred to</u>	<u>Jobs Abolished</u>	<u>Jobs Created</u>	<u>Year</u>
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