

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 7467

OPERATION OF PORT RAILROAD FACILITIES AT CORPUS CHRISTI, TX

STB Finance Docket No. 32760 (Sub-No. 13)

RESPONSIVE APPLICATION—THE TEXAS MEXICAN RAILWAY COMPANY

Decided: November 12, 2008

The petition for clarification filed by the Port of Corpus Christi Authority of Nueces County, TX (Port Authority) will be dismissed, as requested by the Port Authority in a letter dated October 20, 2008.

On September 14, 2007, the Port Authority submitted a petition to the Board to clarify that the three railroads now serving the Port of Corpus Christi (Port)—BNSF Railway Company, The Kansas City Southern Railway Company (KCS), and Union Pacific Railroad Company (UP)—continue to possess the right of equal and unfettered access to all of the Port facilities granted by the Interstate Commerce Commission in 1929,¹ and pursuant to the trackage rights granted by the Board in its 1996 order approving the merger of UP and Southern Pacific Transportation Company.²

At the Port Authority's request, the Board, in a decision served October 3, 2007, deferred action on the petition, pending further notice by the Port Authority. On December 3, 2007, KCS submitted a supplement to its trackage rights agreement with UP, specifying KCS's access over UP's Odem to Corpus Christi trackage to connect with the Port Authority's John Fulton Corridor. The Port Authority now requests that the Board dismiss its petition. The petition will be dismissed.

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

¹ Operation of Port R. Facilities, 154 I.C.C. 193 (1929).

² Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996), aff'd sub nom. Western Coal Traffic League v. STB, 169 F.3d 775 (D.C. Cir. 1999).

It is ordered:

1. The Port Authority's petition for clarification will be dismissed.
2. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary