

28126

SERVICE DATE - AUGUST 14, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33436]

Corpus Christi Terminal Railroad, Inc.—Lease and Operation Exemption—Port of Corpus Christi Authority of Nueces County, Texas, Union Pacific Railroad Company, Southern Pacific Transportation Company, The Texas Mexican Railway Company and The Burlington Northern and Santa Fe Railway Company

Corpus Christi Terminal Railroad, Inc. (CCPN), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate all of the lines (lines) owned by Port of Corpus Christi Authority of Nueces County, Texas (Authority), within the Corpus Christi, TX terminal area, a distance of approximately 20 route miles.¹ In addition, CCPN will acquire incidental trackage rights over lines of UP between milepost 145.9 and milepost 149.0, together with the “loop” trackage off of the main line, all in the terminal area of Corpus Christi, TX, a distance of approximately 3.1 miles.

The transaction was expected to be consummated on or after August 1, 1997.

¹ The lines are currently operated by the Corpus Christi Terminal Association and its member railroads (currently Union Pacific Railroad Company (UP), Southern Pacific Transportation Company (SP), The Texas Mexican Railway Company (TM), and The Burlington Northern and Santa Fe Railway Company (BNSF)). With the consent, and at the request of Authority, UP, SP, TM, and BNSF will assign all of their existing operating rights (except for specified nonexclusive rights to provide unit train service to facilities that may be built on or adjacent to Authority’s trackage after commencement of CCPN’s operations) over the lines to CCPN and will discontinue their current operations with respect to the Authority’s terminal facilities.

This transaction is related to STB Finance Docket No. 33437, *Genesee & Wyoming Inc.—Continuance in Control Exemption—Corpus Christi Terminal Railroad, Inc.*, wherein the Genesee & Wyoming Inc. has concurrently filed a verified notice to continue in control of CCPN, upon its becoming a Class III rail carrier.

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. 33436, 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 Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, West Chester, PA 19381-0796.

Decided: August 5, 1997.

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

Vernon A. Williams

Secretary