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SEC

SERVICE DATE - LATE RELEASE DECEMBER 7, 1998

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 32760 (Sub-No. 26)¹

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY
AND MISSOURI PACIFIC RAILROAD COMPANY - CONTROL AND MERGER -
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY, SPCSL CORP., AND THE DENVER AND RIO GRANDE
WESTERN RAILWAY COMPANY

[HOUSTON/GULF COAST OVERSIGHT]

Decision No. 8

Decided: December 7, 1998

The oral argument in this proceeding has been scheduled for December 15, 1998, at 10:00 a.m., in the Surface Transportation Board Hearing Room (Suite 760) at 1925 K Street, N.W., Washington, D.C. Attached hereto as Appendix A is the list of participants that have been authorized by the Board to appear and present oral argument. The list of participants is limited, in line with the Board's decision setting the oral argument, to parties that have affirmatively sought specific conditions for themselves, and to the Union Pacific Railroad Company (UP). Thus, Texas Farm Bureau and the American Farm Bureau, which have not participated in the proceeding at all, will not be granted oral argument time.² Similarly, the Brownsville & Rio Grande International

¹This decision embraces: (1) Finance Docket No. 32760 (Sub-No. 27), Texas Mexican Railway Company & Kansas City Southern Railway--Construction Exemption--Rail Line Between Rosenberg and Victoria, TX; (2) Finance Docket No. 32760 (Sub-No. 28), Burlington Northern and Santa Fe Railway Company--Terminal Trackage Rights--Texas Mexican Railway Company; (3) Finance Docket No. 32760 (Sub-No. 29), Burlington Northern and Santa Fe Railway Company--Application for Additional Remedial Conditions Regarding Houston/Gulf Coast Area; Finance Docket No. 32760 (Sub-No. 30), Texas Mexican Railway Company, et al.--Request For Adoption of Consensus Plan; Finance Docket No. 32760 (Sub-No. 31), Houston & Gulf Coast Railroad--Application for Trackage Rights and Forced Line Sales; Finance Docket No. 32760 (Sub-No. 32), Capital Metropolitan Transportation Authority--Responsive Application--Interchange Rights.

² Texas Farm Bureau states that it wishes to "present oral testimony." The record in the proceeding, however, has been closed for several weeks, and this oral argument is not a hearing

Railroad (BRGI), which participated in the proceeding but did not affirmatively seek conditions, will not be granted oral argument time.³ Each of these interests, however, may file summaries of the arguments they would have presented, limited to 10 double-spaced pages, provided they comply with the procedures established below for summaries by participants.

As with past oral arguments and hearings, the Board requests that all persons attending the oral argument use the building's entrance located on 20th Street between K and L Streets. For security reasons, upon entering the 20th Street entrance, all persons should be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags and any other bags.

To effectively conduct the oral argument, the Board must limit access to the hearing room. The Board will provide an overflow room (the Brick Room) on the first floor of the building with a closed-circuit telecast of the entire proceeding.

Each participant will be allotted two admission badges. The participant badges may be picked up from the Office of the Secretary, Room 700, beginning December 10, 1998, and also will be available at the 20th Street entrance on the day of the hearing. The balance of the seating in the hearing room will be open to the public on a first come, first served basis. Public admission badges will be available at the Board's 20th Street entrance beginning at 9:00 a.m. on December 15, 1998, the day of the argument. The admission badges will be disbursed one per person. Upon clearing security at the 20th Street entrance, the holders of admission badges for the hearing room will be escorted to the seventh floor hearing room. Only holders of hearing room or media badges will be admitted to the seventh floor hearing room. The doors to the hearing room will open at 9:00 a.m. The Board's Hearing Room does comply with the Americans With Disabilities Act, and persons needing such accommodations should contact the Office of the Secretary at (202) 565-1650 by noon, December 14, 1998.

The public will be admitted to the overflow room for the hearing, and 50 seats will be available for the proceeding. No admission badge will be required to view the oral argument in the overflow room. Board staff will begin admission to the overflow room at 9:00 a.m. for the oral

designed to elicit new testimony. Rather, the oral argument was requested by certain parties, and set by the Board, so that parties that filed evidence and argument explicitly seeking or opposing conditions could discuss with Board members the issues that they raised.

³ BRGI provided statements in support of certain of the conditions sought by The Burlington Northern and Santa Fe Railway Company (BNSF). Hundreds of interests, however, provided statements in support of, or in opposition to, the various requests for conditions. Concluding that it would be unfeasible to allow each of those interests argument time, the Board in its order setting up the oral argument limited argument time to parties that affirmatively sought conditions, and to UP. BNSF, of course, is clearly capable of addressing the conditions that it has sought, and that BRGI supports.

argument. The oral argument will be video-taped, and the Board will make arrangements to have the tapes duplicated, at cost, if there is a public demand for copies of the tapes.

Participants may submit summaries of their arguments, limited to 10 double-spaced pages, in advance. Participants submitting such summaries should submit an original, 25 paper copies and one copy on diskette. The diskettes must be 3.5-inch IBM-compatible floppies or compact discs, with one statement per diskette. Textual material must be in, or convertible into, WordPerfect 7.0. Spreadsheets must be in, or convertible into, Lotus 1-2-3 Version 7. Each diskette must be clearly labeled as to the document, party, and computer language utilized. Summaries must be filed by noon on December 14, 1998. Participants must serve a copy of their summaries upon the other participants listed in Appendix A. The summaries will be posted on the Board's website (www.dot.stb.gov) on the day of the oral argument, after processing by Board staff.

Participants planning to use visual aids, such as maps, are advised to inform the Office of the Secretary at (202) 565-1650, no later than close of business on Friday, December 11, 1998. Participants are limited to projector-adaptable visual displays or handouts. The Board will provide space for any handouts participants wish to bring to the oral argument for dissemination to the public. Board staff will be available in the Board's Hearing Room, Suite 760, from 2:00 p.m. to 4:00 p.m. to demonstrate the Board's projection system.

Comments or questions concerning this decision should be directed to Bettye Uzzle, the Information Officer for the Office of the Secretary at 202/565-1650.

It is ordered:

1. Admittance to the Surface Transportation Board proceedings on December 15, 1998, will be upon the conditions set forth above.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

APPENDIX A

LIST OF PARTICIPANTS

A. Proponents of Conditions

1. Sponsors of the “Consensus Plan”:

The Chemical Manufacturers Association	8 minutes
The Texas Mexican Railway Company	8 minutes
The Railroad Commission of Texas	4 minutes

2. The Burlington Northern and Santa Fe Railway Company 15 minutes

3. Capital Metropolitan Transportation Authority 5 minutes

4. Houston and Gulf Coast Railroad 5 minutes

5. Central Power & Light Company 5 minutes

6. The Dow Chemical Company 5 minutes

7. E. I. du Pont de Nemours and Company 5 minutes

8. Formosa Plastics Corporation, U.S.A. 5 minutes

B. Responses to Proponents of Conditions

1. Union Pacific Railroad Company 30 minutes

2. The Texas Mexican Railway Company 5 minutes

C. Rebuttal

The Texas Mexican Railway Company and
The Society of the Plastics Industry, Inc. 10 minutes