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SEC

SERVICE DATE - NOVEMBER 30, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33820

CENTRAL OF TENNESSEE RAILWAY & NAVIGATION COMPANY INCORPORATED
DBA THE LONGHORN RAILWAY COMPANY—
PETITION FOR DECLARATORY ORDER

Decided: November 29, 1999

Central of Tennessee Railway & Navigation Company Incorporated doing business as The Longhorn Railway Company (LHRR), the operator of a 162-mile rail line between Giddings and Llano, TX,¹ filed a petition for a declaratory order on November 12, 1999, alleging that Capital Metropolitan Transportation Authority (CMTA), owner of the Giddings-Llano line,² is engaged in a pattern of behavior that is inconsistent with the latter's common carrier obligation, and that this pattern of behavior is impeding LHRR's ability to carry out its own common carrier obligation as operator of, and forcing it discontinue freight service to, the Giddings-Llano line. In a petition filed on November 23, 1999, under 49 CFR 1104.7(b), CMTA requests a 15-day extension to respond to LHRR's declaratory order petition, and states that LHRR has consented to the extension request.

¹ Central of Tennessee Railway & Navigation Company Incorporated d/b/a The Longhorn Railway Company—Change of Operator Exemption—The City of Austin, TX, STB Finance Docket No. 32885 (Sub-No. 1) (STB served Apr. 18, 1996) [Austin Railroad Company doing business as Austin & Northwestern Railroad was the former operator of the Giddings-Llano line, see Austin Railroad Company—Operation Exemption—City of Austin, TX, Finance Docket No. 30861(B) (ICC served Nov. 4, 1986)] (Austin Railroad).

² Ownership of the Giddings-Llano line apparently was transferred from the city of Austin, TX (Austin), to CMTA on May 20, 1998. Austin acquired the Giddings-Llano line from Southern Pacific Transportation Company, City of Austin, TX—Acquisition—Southern Pacific Transportation Company, Finance Docket No. 30861(A) (ICC served and published at 51 FR 40085 on Nov. 4, 1986), entered into a 10-year contract for Austin & Northwestern Railroad to operate the Giddings-Llano line, Austin Railroad, supra, and was granted an exemption from regulation in City of Austin, TX—Exemption—From 49 U.S.C. Subtitle IV, Finance Docket No. 30861(A) (Sub-No. 1) (ICC served and published at 51 FR 40085 on Apr. 23, 1987).

Under the Administrative Procedure Act, “[this] agency . . . in its sound discretion, may issue a declaratory order to terminate controversy or remove uncertainty.” See 5 U.S.C. 554(e). The requested extension of the 20-day time period for filing replies, 49 CFR 1104.13, will not unduly delay a determination on whether to institute this declaratory order proceeding.

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

It is ordered:

1. The reply due date is extended to December 17, 1999.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary