

34001  
SEC

SERVICE DATE - SEPTEMBER 15, 2003

**Surface Transportation Board**  
Washington, DC 20423-0001

September 10, 2003

*STB Finance Docket No. 34079*

**SAN JACINTO RAIL LIMITED CONSTRUCTION EXEMPTION –  
AND THE BURLINGTON NORTHERN AND SANTA FE RAILWAY  
COMPANY OPERATION EXEMPTION–BUILD–OUT TO THE  
BAYPORT LOOP NEAR HOUSTON, HARRIS COUNTY, TEXAS**

**N O T I C E**

A court action, entitled as shown below,  
was instituted on or about September 9, 2003,  
involving the above-titled proceeding:

**No. 03-60734<sup>1</sup>**

**Harris County Texas;  
Harris County Flood Control District**

v.

**Surface Transportation Board and  
United States of America**

*before the  
United States Court of Appeals for the Fifth Circuit*

**Vernon Williams  
Secretary**

---

<sup>1</sup> This case has been consolidated with the lead case No. 03-60652, City of Houston Texas.