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SEC

SERVICE DATE – OCTOBER 3, 2007

SURFACE TRANSPORTATION BOARD

DECISION

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: October 2, 2007

On September 14, 2007, the Port of Corpus Christi Authority of Nueces County, TX (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,<sup>1</sup> and pursuant to the trackage rights granted by the Board in its 1996 order approving the merger of UP and Southern Pacific Transportation Company.<sup>2</sup>

In a letter dated October 1, 2007, the Port Authority requests that the Board defer action on its petition because UP and KCS are attempting to resolve their dispute described in the petition. The Port Authority believes that there is a reasonable likelihood that a resolution will be reached.

Accordingly, the Board will defer action on the petition, pending further notice by the Port Authority. Replies to the petition need not be filed until the Board resumes consideration of the petition and establishes a due date for replies.

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

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<sup>1</sup> Operation of Port R. Facilities, 154 I.C.C. 193 (1929).

<sup>2</sup> 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 request of the Port Authority to defer action on its petition is granted.
2. Replies to the petition need not be filed until the Board resumes consideration of the petition and establishes a due date for replies.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary