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SEC

SERVICE DATE – LATE RELEASE AUGUST 10, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34889

PYCO INDUSTRIES, INC.–ALTERNATIVE RAIL SERVICE–
SOUTH PLAINS SWITCHING, LTD. CO.

Decided: August 10, 2007

On August 1, 2007, PYCO Industries, Inc. (PYCO), filed an “emergency motion to prevent further retaliatory actions” by South Plains Switching, Ltd. Co. (SAW), in connection with PYCO’s access to its cottonseed stockpile. Also on August 1, 2007, SAW filed a letter acknowledging its receipt of PYCO’s emergency motion and notifying the Board of its intention to file its reply within 20 days pursuant to the Board’s regulations at 49 CFR 1104.13(a). On August 8, 2007, PYCO filed a motion to permit West Texas & Lubbock Railroad (WTL), PYCO, or independent contractors for WTL or PYCO to enter the premises of SAW’s yard in Lubbock for the purpose of inspection and repair of the trackage used for alternative rail service. PYCO’s motion requests expedited action, and also asks that the Board require any response from SAW the motion to be filed within 2 business days.

The conditions alleged by PYCO in its motions are serious. While SAW should be afforded the opportunity to respond, the nature of the problems alleged in both PYCO motions requires prompt Board action. Therefore, so that the Board can rule on PYCO’s motions as quickly as possible, SAW will be directed to file any replies to the two PYCO motions within 7 days of PYCO’s August 8 motion (by August 15, 2007). The Board takes seriously the issues of rail safety. Parties are also reminded that they may contact the Federal Railroad Administration’s Office of Safety, which promulgates and enforces rail safety regulations, to request any necessary safety inspections.

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

It is ordered:

1. SAW shall submit, by August 15, 2007, any replies to the PYCO motions described above, filed on August 1, 2007, and August 8, 2007.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary