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SEC

SERVICE DATE - FEBRUARY 14, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34003

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—CONSTRUCTION AND OPERATION EXEMPTION—SEADRIFT AND
KAMEY, TX

Decided: February 9, 2001

On January 31, 20001, The Burlington Northern and Santa Fe Railway Company (BNSF) filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate a 7½-mile line of railroad that will connect the Union Carbide Corporation (UCC) industrial complex at Seadrift, TX, with the former Southern Pacific Transportation Company line between Placedo, TX, and Port Lavaca, TX, now owned by Union Pacific Railroad Company, near Kamey, TX.

On the same date, UCC filed a petition for leave to intervene and to become a party in this proceeding. In Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996), UCC was a party for the purpose of protecting the build-in/build-out opportunity for the Seadrift facility. It seeks to become a party to this proceeding to receive decisions issued by the Board and any pleadings filed in this proceeding so that it may participate, if appropriate, in support of the exemption request.

Under 49 CFR 1112.4, a request to intervene in a proceeding may be granted if: (1) the schedule for filing verified statements will not be unduly disrupted; and (2) the issues raised in the proceeding would not be unduly broadened. As the customer whose facility is intended to be served by BNSF over the line to be constructed, UCC has an inherent interest in the exemption sought by BNSF. UCC's participation neither will unduly disrupt the procedural schedule nor broaden the issues. Accordingly, the petition to intervene will be granted.

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

It is ordered:

1. UCC is granted leave to intervene in this proceeding.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary