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BEFORE THE  
SURFACE TRANSPORTATION BOARD

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PYCO INDUSTRIES, INC -- )  
ALTERNATIVE RAIL SERVICE -- ) FINANCE DOCKET  
SOUTH PLAINS SWITCHING, LTD CO ) NO 34889

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PETITION UNDER 49 U.S.C. 11102(a)  
TO REOPEN A SWITCH

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SOUTH PLAINS SWITCHING, LTD CO  
P O Box 64299  
Lubbock, TX 79464-4299

Petitioner

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Attorney for Petitioner

DATE FILED August 27, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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PYCO INDUSTRIES, INC --                    )  
ALTERNATIVE RAIL SERVICE --            ) FINANCE DOCKET  
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**PETITION UNDER 49 U.S.C. 11102(a)  
TO REOPEN A SWITCH**

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Pursuant to 49 C F R § 1117.1, SOUTH PLAINS SWITCHING, LTD CO (SAW) hereby petitions under 49 U S C § 11102(a) for an order requiring West Texas & Lubbock Railway (WTLR) to reopen the switch to the SAW track that serves Acme Brick Company (Acme switch)

Pursuant to 49 U S C § 11102(a) and 49 C F R Part 1147, WTLR is providing alternative rail service over certain SAW trackage to provide rail service to PYCO Industries, Inc (PYCO) .See decision in this proceeding served November 21, 2006 SAW has petitioned for termination of that alternative rail service, and has supplemented that petition on two occasions The primary ground for such termination is that it is required in § 11102(a) that compensation for the use of SAW's tracks be paid or adequately secured before WTLR may begin to use SAW's tracks, such compensation has not been paid nor adequately secured The Board has not ruled on that petition

It is also provided in § 11102(a) that alternative rail service is to be ordered only if the Board finds, as here pertinent, that such service will be provided "without substantially impairing the ability of the rail carrier owning the facilities . . . to handle its own business "

Attached to this petition as an Appendix is a copy of a letter from Mr. H.M. McConville of WTLR to Mr. Larry Wisener of SAW, dated August 22, 2007, in which WTLR informs SAW "that the Acme switch has been spiked in order to service PYCO."

The Acme switch provides access to trackage owned by SAW that is used to provide rail service to Acme Brick Company and for the general railroad purposes of SAW. WTLR's action of spiking the Acme switch substantially impairs the ability of SAW to handle its own business.

It follows that the Board cannot continue to make the finding that alternative rail service will not substantially impair SAW's ability to handle its own business, as required by § 11102(a), as long as the Acme switch is spiked. Accordingly, consistently with the requirements of § 11102(a), the Board should enter an order requiring WTLR to reopen the Acme switch (remove the spike of that switch).

The Board should enter such an order forthwith. On several occasions, the Board has provided expedited relief to WTLR and/or PYCO in alternative rail service matters, going so far that on one occasion the Board acted without awaiting a reply by SAW. SAW is entitled to that same expedited relief here.

WHEREFORE, for the reasons stated, the Board should enter an order requiring WTLR  
to reopen the Acme switch

Respectfully submitted,

SOUTH PLAINS SWITCHING, LTD CO  
P O Box 64299  
Lubbock, TX 79464-4299

Petitioner

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PERMIAN BASIN RAILWAYS

**Permian Basin Railways  
Texas-New Mexico Railroad  
West Texas & Lubbock Railway  
Chicago Terminal Railroad  
118 South Clinton Street, Suite 400  
Chicago, IL 60661**

August 22, 2007

Mr Larry Wisener  
General Manager  
South Plains Switching LTD CO  
VIA FAX 806-828-4863

Mr Wisener

I am writing to inform you that the Acme switch has been spiked in order to service  
PYCO

Sincerely,

H M McConville  
Vice President - Operations

Cc. Ed Ellis

**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2007, I served the foregoing document, Petition Under 49 U.S.C. 11102(a) To Reopen A Switch, by e-mail on the following

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