

F.D. 30400 1/10/85 - Pgs. 6156- 6190

1 BY MR. BLASZAK: (Resuming)

2 Q Mr. Todd, would you read interrogatory 3 and
3 would you read Katy's response to interrogatory 3 and
4 tell me if you agree.

5 A Interrogatory number 3: "Explain in detail
6 the routes that would be used by MKT trains operating
7 between: A, Sloan Yard, San Antonio, and the junction
8 switch to SPSF's San Antonio-Sinton line; B, Sloan Yard,
9 San Antonio, and Tower 105 (SPSF-MP crossing) on SPSF's
10 San Antonio-Spofford line. State whether trains would
11 be required to shove (operate with locomotives pushing
12 from the rear) over any portion of these routes."

13 Response: "A. MKT trains operating between
14 Sloan Yard, San Antonio, and the junction to SPSF's San
15 Antonio-Sinton line would move from MKT's Sloan Yard via
16 MKT to the crossover MKT-MP 1036.5, thence through the
17 crossover onto SPSF's Del Rio subdivision, through tower
18 112 and on to SPSF's Corpus Christi sub just west of
19 Tower 112.

20 "B. The route from Sloan Yard to the SPSF's
21 San Antonio-Spofford line would be the same as
22 described, except MKT trains would continue westward in
23 the SPSF's Del Rio subdivision to the end of the double
24 main and onto the single main line at Withers. Trains
25 moving from Sloan Yard would make a reverse move on the

1 MKT to the crossover switch and then pull onto SPSF's
2 trackage. No reverse movements would be necessary on
3 the SPSF."

4 Q Okay. Do you agree with that description of
5 the movements?

6 A Yes, sir.

7 Q Okay.

8 MR. BLASZAK: I would also like to have marked
9 -- well, I would like to have marked at this time -- I
10 would also like to have marked at this time Counsel's
11 Exhibit SPSF-C-77.

12 JUDGE HOPKINS: That will be marked for
13 identification.

14 (The document referred to
15 was marked Exhibit No.
16 SFSP-C-77 for
17 identification.)

18 BY MR. BLASZAK: (Resuming)

19 Q Mr. Todd, as attachment B to your verified
20 statement there is a sketch which purports to show a
21 proposed connection track between MKT and Southern
22 Pacific in the vicinity of Tower 112; is that correct?

23 A Yes, sir.

24 Q This particular sketch does not actually show
25 the crossing at Tower 112, does it?

1 A Which attachment, B?

2 Q B.

3 A No, it only shows the crossover connection.

4 Q Could you look at Exhibit SFSP-C-77 and tell
5 me whether in your opinion it provides a reasonably
6 accurate description of the actual crossing at Tower 112
7 showing the layout of the tracks there?

8 A Well, it's not really to scale or as the
9 tracks would, with respect to the MKT and SP would
10 really lie. But generally speaking this is it.

11 Q Would you accept it as a schematic
12 description?

13 A Yes.

14 Q Could you tell us where Sloan Yard is located
15 on that exhibit in relation to Tower 112?

16 A Sloan Yard is west of Tower 112.

17 Q On the MKT line; is that correct?

18 A Yes.

19 Q Mr. Todd, let's review how trains will operate
20 from Sloan Yard to the Corpus Christi subdivision based
21 on Exhibit 77. Again, according to the interrogatory
22 response as I understand it, trains would back out of
23 Sloan Yard over the MKT, across the Southern Pacific
24 main to the headblock of the crossover, then head
25 through the crossover, across the MKT main to the Corpus

1 Christi line.

2 Is that more or less correct?

3 A Yes.

4 Q So the trains would cross the diamond twice?

5 A That's true. They would cross the diamond
6 twice, once on the MKT tracks and once on the SP
7 tracks.

8 Q Right. Mr. Todd, what is the distance between
9 Sloan Yard and Tower 112? Would you say about a mile?

10 A No, it's less than that. I could look at a
11 timetable to tell you, but it's a half a mile or so.

12 Q Doesn't the MKT between Sloan Yard and Tower
13 112 go through a residential area?

14 A There are some residences and also some
15 warehouses. It's not solely a residential area.

16 Q Aren't there a fair number of grade crossings
17 with San Antonio streets between Sloan Yard and Tower
18 112?

19 A No.

20 Q How many grade crossings are there?

21 A Between Tower 112 and Sloan Yard, offhand I
22 don't recall any, really. There is one right at Tower
23 112 that is gated. The gate is operated by the tower
24 operator.

25 Q There is at least that one crossing?

1 A That is just east of Tower 112.

2 Q Okay. Do your operating rules require an
3 operating employee on the point of all backup movements
4 to protect all backup movements?

5 A Unless otherwise protected.

6 Q Would you consider these backups, these
7 particular backup movements, to be otherwise protected?

8 A I would not consider it to be any task to have
9 the conductor on the caboose.

10 Q That leads to my next question. Does MKT have
11 plans to institute caboosless operations over its
12 system?

13 A Would you repeat the question?

14 Q Does MKT have plans to institute caboosless
15 operations over its system?

16 A We have no immediate plans. To say that we
17 would not plan to operate without cabooses in the future
18 -- I would hope that maybe we can, in which case, if you
19 are saying about this movement out of Sloan Yard, it
20 would be very simple to have a switch engine pull the
21 train back.

22 Q That would be your solution, would be to have
23 a switch engine pull it back?

24 A Yes.

25 Q The train would then go to the crossover, I

1 presume. The switch engine would cut off, pull ahead,
2 and the train would back through the crossover, isn't
3 that correct?

4 A The train would be pulling ahead through the
5 crossover.

6 Q Okay. Pardon me, you're right.

7 In any event, you would have the switch engine
8 cutting off. It wouldn't go on to Corpus, would it?

9 A No, no.

10 Q Wouldn't that increase the number of movements
11 that would be necessary through the Tower 112 plant in
12 order to get an MKT train out of town?

13 A It may or may not. But then, what happens
14 with the switch engine afterwards?

15 Q Would you characterize Tower 112 as a busy
16 location in terms of train traffic?

17 A Well, my experience around San Antonio, I do
18 not consider Tower 112 as exceptionally busy.

19 Q Not exceptionally busy, but it is busy?

20 A Well, I don't know what we mean by "busy."

21 Q Well, let me ask the next question and maybe
22 it will help you out. Do you know how many trains SF
23 operates over this interlock on a typical day?

24 A Well, of course the trains are provided in the
25 operating plan, but I'm sure you have some yard engine

1 movements and I don't know how many of those there are,
2 no.

3 Q It would be something that you would look to
4 the operating plan of the Applicants to find out?

5 A Yes.

6 Q About how long would you expect this entire
7 backup and pull forward maneuver to take from the time
8 the train departs Sloan Yard to the time it is off the
9 Southern Pacific's main line going down to the Corpus
10 Christi branch?

11 A Of course, the time -- I don't know. You're
12 probably more interested in the time that it would be
13 occupying the interlocking at Tower 112 than the other.

14 Q You're doing a wonderful job of anticipating
15 my questions, and if you can answer both I would
16 appreciate it.

17 A Of course, from the time that it leaves Sloan
18 Yard, traverses some half a mile or so to the
19 interlocking limits, if it's a 25-car train, and it may
20 or may not be, but it's probably 1500 feet long. And
21 moving it at ten miles an hour in that territory, so
22 it's going to take it about three minutes to get to the
23 interlocking limits, and a couple of minutes to pull
24 through the interlocking limits, and a couple of minutes
25 to pull back through the interlocking limits on the SP.

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1 and two or three more minutes to get off the Del Rio
2 subdivision onto the Corpus Christi.

3 So we're talking about something like ten
4 minutes from Sloan Yard onto the Corpus Christi sub.

5 Q Now, during this ten-minute interval, Southern
6 Pacific-Santa Fe traffic would be blocked, would it
7 not?

8 A Not the entire ten minutes. They would not be
9 affected until the train was within the interlocking
10 limits. And of course, on its way out it would have to
11 clear the interlocking limits and any Southern Pacific
12 movements that could move before that train was
13 permitted to move.

14 Q MKT's response to our interrogatory indicates
15 that MKT trains from Sloan Yard to Eagle Pass would
16 utilize much the same route through Tower 112.
17 Recalling all of the questions that I have just asked
18 you, would the answers be any different if we were
19 discussing the Eagle Pass trains rather than the Corpus
20 Christi trains?

21 A The question I believe was how long would it
22 be from Sloan Yard until it moved onto the Corpus
23 Christi line?

24 Q Actually, I'm going back to the point at which
25 we started trying to trace the route through San

1 Antonio. Let me ask the question a different way.
2 Would the route between Sloan Yard and the crossover be
3 any different for these trains?

4 A The route from Sloan Yard to the crossover
5 would be the same.

6 Q Then the only difference, as I understand the
7 answer to your interrogatory, would be once the trains
8 pulled through the crossover onto the SPSF main they
9 would keep going straight west rather than turning down
10 the Corpus Christi subdivision?

11 A That's correct, sir.

12 Q Mr. Todd, let's turn our attention to the San
13 Antonio-Eagle Pass proposal. The operating plan states
14 the number of loaded cars in each MKT train to Eagle
15 Pass would be 10 to 75. Did you calculate an average
16 size for these trains?

17 A I did not calculate. The traffic projection
18 given to me was almost 2300 cars. I don't know whether
19 those cars are going to come evenly throughout the year
20 or -- in a unit train it might possibly be 75. 75 is
21 the outside. That is the reason that's in there.

22 Q But a 75-car train would only be if MKT was
23 successful in getting a unit train movement to Eagle
24 Pass, right?

25 A I cannot envision that many cars otherwise in

1 Antonio. Let me ask the question a different way.
2 Would the route between Sloan Yard and the crossover be
3 any different for these trains?

4 A The route from Sloan Yard to the crossover
5 would be the same.

6 Q Then the only difference, as I understand the
7 answer to your interrogatory, would be once the trains
8 pulled through the crossover onto the SPSF main they
9 would keep going straight west rather than turning down
10 the Corpus Christi subdivision?

11 A That's correct, sir.

12 Q Mr. Todd, let's turn our attention to the San
13 Antonio-Eagle Pass proposal. The operating plan states
14 the number of loaded cars in each MKT train to Eagle
15 Pass would be 10 to 75. Did you calculate an average
16 size for these trains?

17 A I did not calculate. The traffic projection
18 given to me was almost 300 cars. I don't know whether
19 those cars are going to come evenly throughout the year
20 or -- in a unit train it might possibly be 75. 75 is
21 the outside. That is the reason that's in there.

22 Q But a 75-car train would only be if MKT was
23 successful in getting a unit train movement to Eagle
24 Pass, right?

25 A I cannot envision that many cars otherwise in

1 one train going to Eagle Pass.

2 Q Well, if we divide 2300 cars by 150 trains per
3 year, we come up with something on the order of 18 cars,
4 isn't that right?

5 A That sounds about right.

6 Q Now, Mr. Todd, did you observe SP operations
7 between San Antonio and Spofford?

8 A I made a trip along the line from San Antonio
9 to Spofford.

10 Q Was that an automobile trip?

11 A Yes, it was.

12 Q About when did you do that?

13 A In February, toward the last week or next to
14 the last week in February.

15 Q How about between Spofford and Eagle Pass?

16 A Now, between Spofford and Eagle Pass it's a
17 little more difficult to see the railroad from the
18 highway. But I did go to Eagle Pass.

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1 Q Was that at the same time?

2 A Yes, sir.

3 Q Between San Antonio and Spofford, did you
4 follow your practice with respect to the Corpus Christi
5 line?

6 A Yes, I did. Yes.

7 Q Taking a look at grade crossings?

8 A Yes.

9 Q What would the time schedule of the run from
10 San Antonio to Eagle Pass be? About what time would it
11 be called the San Antonio?

12 A That would be flexible to accommodate the best
13 operating practices.

14 Q What would the departure pass from Eagle Pass
15 be?

16 A It would also be flexible.

17 Q On page 4 of the operating plan, there is a
18 note that the SPSF operating plan -- are you with me?

19 A Page 4 of --

20 Q Page 4 of the operating plan, not your
21 testimony. Exhibit 13 to the MTT application.

22 A Okay, sir.

23 Q Page 4. If you look at the fourth paragraph,
24 you will see that there is a statement: "The SF exhibit
25 projects the annual density between San Antonio and

1 Spofford to decrease from 28.5 MGT to 24.9 MGT."

2 Do you see that?

3 A Yes, sir.

4 Q Now, you stated that the San Antonio-Spofford
5 line has sufficient capacity for MKT's proposed
6 operation. Did you base your opinion on that
7 statistic?

8 A I did not base my opinion on that statement
9 entirely. No, sir.

10 Q What else did you base it on?

11 A My observation of the line and the projected
12 amount of MKT traffic.

13 Q Do you have an opinion as to what the capacity
14 of this line is in terms of MGT?

15 A I'm sorry?

16 Q I said do you have an opinion, do you have an
17 opinion as to what the capacity of this line is in
18 tonnage?

19 A Well, yes, I have an opinion.

20 Q What's your opinion?

21 A Based on my experience, this line has capacity
22 in excess of 40 million tons.

23 Q And what's your opinion as far as the number
24 of trains that could be operated in each direction on it
25 in a typical day, for example? Or do you have an

1 opinion on that?

2 A I would not care to express an opinion, but it
3 has excess capacity.

4 Q I will accept no.

5 Do you know how many trains SPSF plans to
6 operate on this line after the merger?

7 A I believe it is stated in your operating plan
8 here somewhere. As I understand your operating plan,
9 there would be fewer than there are at present.

10 Q Do you know how many trains SP presently
11 operates?

12 A Your operating plan states 15.

13 Q You don't have any knowledge any differently?

14 A I assume this is correct.

15 Q You know how any trains SFSP has plans to
16 operate between Spofford and Eagle Pass?

17 A You have very little information in here about
18 Spofford and Eagle Pass. We have -- I was given in
19 response to a question to what the tonnage was on the
20 Spofford-Eagle Pass line, and we asked for that
21 information, and someone sent me a form showing your
22 tonnage here.

23 I doubt that it's correct, but it's the only
24 thing I have, and it shows 20,630 gross tons.

25 MR. ROPER: I might add that that was a work

1 paper out of the San Francisco Depository.

2 BY MR. BLASZAK: (Resuming)

3 Q Okay. But you don't know how many trains
4 there are?

5 A No, I don't.

6 Q Do you know how many serviceable sidings there
7 are on the Spofford-Eagle Pass line? Let me first
8 preface that. That is a single track line, as far as you
9 know, isn't it?

10 A Yes. It's 32 miles of single track line.

11 Q Do you know how many sidings there are?

12 A On the Spofford to Eagle Pass?

13 Q Yes, sir.

14 A I don't know how many intermediates. The
15 satellite yard, I guess that would be north of Eagle
16 Pass, it's about four tracks. There's a siding at
17 Spofford. Now, what is in between, there are not any
18 documents that would give me that, really.

19 Q You stated before that you would work with the
20 Applicants after merger to come up with a mutually
21 agreeable departure time from Eagle Pass. Can I assume
22 from that, that you would attempt to schedule that train
23 so that it leaves when operators are on duty that are
24 available to clear that train onto the line?

25 A Yes. We would attempt to schedule it to best

1 fit SP's operating conditions.

2 Q And tht would include the availability of
3 clerical personnel?

4 A Yes, it would.

5 Q Do you contemplate that SPSF would deliver
6 cars to Mexican railroad, the Nacionales de Mexico at
7 Eagle Pass for the Katy?

8 A That is part of the application. Yes, sir.

9 Q Did you include in your calculations a charge
10 assessed by SPSF for the service?

11 A Mr. Anderson made the calculations on the
12 expenses.

13 Q And you don't know whether he included a
14 charge for this purpose or not?

15 A I would assume so, but I cannot personally
16 tell you.

17 Q Now, Mr. Todd, previous witnesses for the MKT
18 hae stated that the MKT would like trackage rights to
19 either Eagle Pass or Corpus Christi, but not both.

20 In your opinion, which proposed trackage
21 rights are superior from an operating standpoint?

22 A From strictly an operating standpoint?

23 Q Strictly an operating standpoint.

24 A Well, that's something you need to consider.
25 The physical plant, Spofford to Eagle Pass, is

1 superior. But the light density to Corpus Christi
2 probably makes it easier from an operating standpoint
3 for both the Southern Pacific and the MKT.

4 MR. ROPER: Your Honor, we would also like the
5 record to be clear that the application, our preference
6 is Corpus Christi, and only if that is denied are we
7 seeking Eagle Pass.

8 MR. BLASZAK: I understand that.

9 JUDGE HOPKINS: Thank you for the record.

10 MR. BLASZAK: We are just trying to get this
11 witness's opinion as to which operation he would
12 prefer.

13 JUDGE HOPKINS: go right ahead.

14 BY MR. BLASZAK: (Resuming)

15 Q So in your opinion, both of the proposed
16 routes have strength and weaknesses?

17 A Yes. The physical plant to Spofford is a
18 high-speed main line track. To Corpus, it isn't. But
19 the Corpus line has less than a million gross tons. And
20 Southern Pacific has one train a day on it, so the
21 operating problems diminish greatly from that
22 viewpoint.

23 Q Well, how does your answer change when you
24 consider the Missouri Pacific operations between Sinton
25 and Corpus Christi?

1 A Missour Pacific is adequate to handle the one
2 train a day that we would have without any problems.

3 Q Do you know how many trains the Missouri
4 Pacific operates over that railroad?

5 A Not offhand. No, sir.

6 Q Do you think it's more than one a day in each
7 direction?

8 A Missouri Pacific, it would be more than --
9 their lines cross at Oden on the Houston and San Antonio
10 side. But they have a strong physical plant,
11 50-mile-an-hour track, and ample sidings.

12 Q Mr. Todd, on page 5 of your verified statement
13 -- this is at the end of the second paragraph, the first
14 full paragraph if you prefer -- there is a statement
15 that MKT access to Eagle Pass would provide the
16 shortest, most efficient route from Kansas City in the
17 Midwest to Mexico.

18 Would this statement be true even if you
19 consider the proposed MKT route to Corpus Christi via
20 the route that the MKT has proposed?

21 A Where are you reading, sir?

22 Q If you look on page 5 of your statement, the
23 first full paragraph, which is two-thirds of the way
24 down the page, at the end of that paragraph.

25 A I'm not sure about the distance when we go via

1 Corpus, because there's connections to the Tex Mex
2 before you get to Mexico.

3 Q I'm really more interested in your statement
4 that it's the most efficient.

5 A Do you want me to explain why?

6 Q I'm interested. I want to know if you think
7 it's more efficient than the Corpus Christi route.

8 A Well, of course, you've got to understand this
9 statement is made only with the exclusion of the Corpus
10 Christi route.

11 Q So what you are saying is, you are qualifying
12 this. You think it would be more efficient than
13 anything but the MKT Corpus Christi route?

14 A I think it's more efficient than anything that
15 exists today is what I am really saying.

16 Q Now, Mr. Todd, how would MKT provide agency
17 services at Corpus Christi if it were allowed to operate
18 there?

19 A We have spoken with the Tex Mex Railroad to
20 provide those services. We plan to enter into an
21 agreement with them.

22 Q Have you discussed the price of those
23 services?

24 A I believe there has been some discussion on
25 the price. I have not.

1 Q Do you know if Mr. Anderson took the content
2 of those discussion into account when he figured the
3 cost of these?

4 A I do not know that.

5 Q I take it the Texas Mexican is agreeable to at
6 least discussing providing services for the Katy?

7 A Tentatively, they were agreeable. That's my
8 understanding.

9 Q How would MKT provide agency services at Eagle
10 Pass?

11 A Agency services are what?

12 Q Well, such things as creating demurrage
13 records, providing arrival notices, providing
14 constructive placement notices. In the case of Eagle
15 Pass, I would be interested in your thoughts on how you
16 would deal with clearing shipments across the border for
17 customs purposes.

18 These are the sorts that things agents do on
19 our railroad.

20 A In our application, of course, in going to
21 Eagle Pass, we were asking also that SP furnish terminal
22 services. Now, in discussions with what all that might
23 include, I do not know. It could possibly include some
24 of the things that you talk about, as is done in joint
25 yards often times.

1 If it does not, we would probably have to
2 provide that through an extension of our San Antonio
3 agency.

4 Q So it's possible that you may try to handle
5 the Eagle Pass clerical work out of San Antonio?

6 A A large percentage of it; yes.

7 Q Do you have any thoughts as to -- strike
8 that.

9 Mr. Todi, do investigation of freight damage
10 claims and personal injury claims come under your
11 jurisdiction on the MKT?

12 A A portion of the freight damage claims do;
13 yes.

14 Q Do you have any thoughts as to how you
15 investigate freight damage claims that arose on the MKT
16 line with the proposed MKT trackage rights between San
17 Antonio and Corpus Christi?

18 A Now, under the agreement we would probably
19 have with the Tex Mex, that would be a function of their
20 service, freight damage claims at Corpus Christi.

21 Q How would you investigate freight damage
22 claims on the Eagle Pass trackage rights?

23 A Probably with a representative from the San
24 Antonio office.

25 Q Did you attempt to calculate a cost of such

1 investigations in determining the proposed cost or the
2 estimated cost of these trackage rights?

3 A I made no cost calculations myself.

4 Q We would have to ask Mr. Anderson that?

5 A Yes.

6 Q How would MKT perform initial terminal
7 inspections at Corpus Christi?

8 A That also was part of our discussion with Tex
9 Mex.

10 Q Tex Mex would do that?

11 A Yes.

12 Q How would MKT perform initial terminal
13 inspections at Eagle Pass?

14 A We have asked for terminal services from the
15 Southern Pacific on a contractual basis.

16 Q And that is included in your definition of
17 terminal services?

18 A Yes. Now, if there are no facilities, no way
19 that's available, then the train crew are perfectly
20 capable of making the air tests.

21 Q I take it from your answer, you don't intend
22 to hire any carmen at these locations?

23 A We wouldn't be in a position to hire carmen in
24 an SP yard.

25 Q Would your definition of terminal services at

1 Eagle Pass include the repair of bad order cars, light
2 bad orders?

3 A Yes, light bad orders.

4 Q What would you do with a heavy bad order car?

5 A A heavy bad order? You mean from a wreck or
6 damage or that sort?

7 Q That sort of thing; yes.

8 A We would have to -- what is known in the
9 industry as to provide the SP with a defect card.

10 Q And then SP would prepare it under AAR
11 procedures?

12 A Yes, sir.

13 Q Now, Mr. Todd, you are aware, aren't you, that
14 the Texas Mexican has asked for rights over the same San
15 Antonio-Corpus Christi line that MKT is asking for
16 rights over?

17 A I am aware that they have asked for trackage
18 rights; yes, sir.

19 Q How would a grant of those rights to Texas
20 Mexican affect the proposed MKT operation over this
21 line?

22 A Physical operation?

23 Q Yes, sir.

24 A I think it would have very little effect on
25 the physical operation of the trains when you consider

1 the light density that's there already.

2 Q I take it you haven't performed any study of
3 the effect that such operations would have?

4 A No. I don't know what their operations are
5 planned.

6 Q Well, let's move on to MMT's proposed Topeka
7 to Liberal rights. Looking at page 6 of your statement,
8 toward the top, you discuss traffic density between
9 Hutchinson and Liberal and note that SPSF anticipates a
10 23.6 percent increase in tonnage after the merger.

11 Do you see that?

12 A Yes, sir.

13 Q Do you know many trains SPSF plans to operate
14 over this line?

15 A No, but I know they don't plan an increase
16 particularly. From the operating plan that I have, I
17 assume that they do not plan an increase.

18 Q Mr. Todd, do you know what sort of signaling
19 system is in operation on this line?

20 A Portions of it are CTC. I can look at the
21 timetable here and tell you.

22 Q Do you know whether the balance is ABS
23 automatic block signal? I am really interested in
24 whether you know. I can look at the timetable.

25 A Well, I can't give you specific points. I'm

1 not that familiar with the railroad. It's a signal
2 railroad. I can tell you that.

3 Q Now, in the operating plan, there is a
4 statement that SPSF's projected traffic density of 23.5
5 MGT between Hutchinson and Liberal is well below the
6 line's capacity.

7 Do you have an opinion as to what the capacity
8 of this line is?

9 A I would rate that capacity somewhere around 40
10 million tons or more.

11 Q Do you have an opinion as to what the capacity
12 is in terms of the number of trains that can be operated
13 over it?

14 A That depends on the size of the trains and the
15 sidings and so forth. I would not express that
16 opinion.

17 Q I take it you performed no study as to the
18 capacity of this line?

19 A No. No formal study.

20 Q Mr. Todd, did you personally observe the
21 operations of this line?

22 A I observed the line as best I could from what
23 vantage points I could have. Yes, sir.

24 Q Again, by automobile at the grade crossings?

25 A Yes.

1 Q Did you cover the entire line?

2 A Yes, sir.

3 Q When did you go?

4 A It was in the summer. I can't tell you when.
5 With the exception of the Topeka to Herington line, and
6 I have been over that on a previous occasion.

7 Q Was that recently or during the Rock Island's
8 ownership of that line? Or do you recall?

9 A During the time when we operated into Topeka
10 on the Rock Island line, about the time that SP began
11 the rehabilitation of the track.

12 Q On page 7 of the operating plan, you state
13 that MKT will base crews at Herington and Pratt. Does
14 this mean that one MKT crew would operate from Kansas
15 City to Herington and one from Herington to Pratt and
16 one from Pratt to Liberal?

17 A Yes, sir.

18 Q Would these road crews perform all of MKT's
19 industry switching?

20 A Yes, sir.

21 Q Would they also perform all of MKT's terminal
22 work? That is, at the initial and final terminal.

23 A Perform all of MKT's terminal work? Meaning
24 what?

25 Q Well, I will go on with my next question.

1 Let's take some specifics. How would MKT
2 effect interchange with the Texas Northwestern at
3 Liberal?

4 A Delivery to them; yes. The road crew would
5 perform that function. Yes, sir.

6 Q How would MKT perform interchange operations
7 at Hutchinson, Kansas with the other carriers?

8 A I think that's a subject that if the trackag
9 rights were granted, it would be worked out with
10 operating personnel of the two carriers. We would
11 either do it ourself or if the contractual arrangement
12 with SPSF could be made for them to do it, we would be
13 willing to do that as well.

14 Q Would you propose to also connect with the
15 Hutchinson and Northern?

16 A We propose to connect with all roads at
17 Hutchinson. Yes.

18 Q Do you know if the SSW today has direct track
19 connection with the Hutchinson Northern?

20 A No, I don't. But I think our proposal is
21 connected with any carriers that the SSW connects with.

22 Q Well, do you propose to interchange with
23 carriers at other points on this line such as the
24 Missouri Pacific at McPherson?

25 A Yes.

1 Q Now, Mr. Todd, did you perform any studies to
2 determine whether MKT road crews could do all of this
3 work and still get over the road in 12 hours?

4 A I didn't perform any studies, but by my
5 experience in looking at the railroad, I believe that
6 for the most part that is achievable.

7 Q In reaching your opinion, did you consider the
8 necessity of meeting other trains in --

9 A Yes. I also considered that our trains would
10 normally be very light.

11 Q Mr. Todd, you are amazing well at anticipating
12 my questions.

13 The next one is, have you calculated an
14 average size for these trains?

15 A The only calculations I made for the average
16 size is simply that of the traffic projection that I was
17 given.

18 Q What's the traffic projection that you have?

19 A 5,437 cars in a year.

20 Q Do you have any idea how we can break that
21 down to get an approximate train size, given the fact
22 that these trains will be out on the road three days at
23 a time?

24 A We can break that down on an even basis, I
25 suppose. That comes out to about 30 cars.

1 Q Mr. Todd, isn't it your understanding that the
2 primary traffic on the Topeka-Liberal trackage rights
3 would be grain and grain products?

4 A That's my understanding; yes, sir.

5 Q Did you study whether traffic would peak
6 during the harvest period?

7 A I would assume the traffic would peak during
8 the harvest period.

9 Q During those times, would you expect that MKT
10 would operate additional trains?

11 A It's possible that it would be necessary.

12 Q Do you think that during non-peak periods, MKT
13 will possibly operate less than triweekly service on
14 this line?

15 A That also might be a possibility.

16 Q At other points, Mr. Todd, hasn't the Katy
17 competed for grain traffic by offering multiple car
18 rates?

19 A We have contractual rates at places. Yes.

20 Q Can you tell me what multiples of cars you
21 generally have to assemble for these rates?

22 A I'm not familiar with what the multiples would
23 be. Unit train rates?

24 Q Well, any multiple car rates. I am just
25 looking for the size of the cut you would have to put

1 together to satisfy this requirement.

2 A I don't know that we make that an absolute
3 requirement.

4 Q Do you have any places where you would require
5 tendering 25 cars at once, for example, or would you
6 switch those yourselves?

7 A I really can't think of where that is in
8 effect today, but it's not out of the question that such
9 a rate would be made. No.

10 Q Why don't you assume with me that MKT has put
11 in such a rate or made such a contract that requires the
12 assembly of 25 car cuts. And let's further assume that
13 that is at Hutchinson.

14 Do you have any idea where MKT would put such
15 cuts together?

16 A Some of the elevators at Hutchinson are
17 capable of having 75 cars loaded at one time. It would
18 be right in the elevator, I would assume.

19 Q So you don't think it would be necessary for
20 MKT to do it at Hutchinson?

21 A No, sir; I would not.

22 Q It would be up to the carriers serving the
23 elevator or to the elevator itself?

24 A Yes. Yes.

25 Q Mr. Todd, in MKT's responses to our

1 interrogatories, it is stated that MKT will attempt to
2 reach industries at Hutchinson through a reciprocal
3 switching arrangement.

4 A Yes, sir.

5 Q Do you know what the reciprocal switching
6 boundaries are at Hutchinson?

7 A No, I do not.

8 Q Do you have any idea what the charge is?

9 A No.

10 Q You didn't provide any input to Mr. Anderson
11 about that?

12 A No, sir.

13 Q Let's take a look at Attachment C to your
14 verified statement, which is a map of Herington,
15 Kansas.

16 Would you describe which SSW facilities that
17 they use to effect the connection with the D&RGW at
18 Herington?

19 A I may have to get better light or better
20 glasses in order to do this for you.

21 Q Maybe I can help you out, Mr. Todd.

22 A The connection is shown there between the
23 Missouri Pacific trackage and the M2.

24 Q We're looking at the northwest quadrant,
25 aren't we?

1 A Yes. On the northwest quadrant is the
2 connection.

3 Q Are we talking about just the connecting
4 track?

5 A The connecting track goes into the yard tracks
6 there at Herington.

7 Q Is OKT already using those yard tracks?

8 A We have a route, one designated route through
9 the yard to the Salina branch. Yes, sir.

10 Q But the remainder of the tracks in that yard
11 are solely for SSW traffic. Is that right?

12 A Yes.

13 Q Mr. Todd, would you consider these tracks and
14 this connection terminal facilities within the meaning
15 of the pertinent statute which is 49 U.S.C. 11-103?

16 MR. ROPER: Your Honor, I object to that
17 question. I believe it calls for a legal conclusion.

18 MR. BLASZAK: I will rephrase the question.

19 JUDGE WOPKINS: Why don't you, please?

20 MR. BLASZAK: I will rephrase the question.

21 BY MR. BLASZAK: (Rephrasing)

22 Q Would you consider these to be terminal
23 facilities?

24 A The terminal yard tracks?

25 Q Yes.

1 A They are a part of the Herington Terminal
2 facilities. Yes.

3 Q Mr. Todd, we previously talked about the crew
4 changes and the fact that MKT crews would be going on
5 duty at Pratt and Herington and Liberal on the SSW.

6 How would you propose to perform initial
7 terminal inspections at each of these points?

8 A Now, if the SSW has carmen on duty who perform
9 that function for their trains, I would propose to enter
10 into a contract that they would do so for MKT trains.
11 If there are no such personnel there, then our crews
12 would perform that function.

13 Q How would MKT repair light and heavy bad order
14 cars that are found on the Topeka to Liberal trackage
15 rights?

16 A There again, it's a matter that would need to
17 be discussed with SSW operating personnel. For
18 contractual repair, we would send a mobile repair unit.

19 Q Do you have such a mobile repair unit?

20 A Yes.

21 Q Where is it based?

22 A Right at the moment, we have one at Kansas
23 City and one at Enid? We would probably base one in
24 Wichita if we had to operate there.

25 Q Now, your operating plan calls for the

1 institution of two MKT car service agents on the
2 proposed Topeka to Liberal line. Do you recall that?

3 A Yes, sir.

4 Q Is it your intention that these agents would
5 provide all MKT agency service on this line?

6 A My intention is they would provide the contact
7 with the shippers on that line.

8 Q Would they be more like transportation
9 representatives than agents?

10 A Yes.

11 Q They would not perform actual agency
12 services?

13 A No, sir.

14 Q How do you propose to perform agency services
15 on this line?

16 A The billing would be done either through
17 Herington or Kansas City.

18 Q And those are MKT or OKT offices?

19 A Yes, they are.

20 Q These offices would calculate demurrage
21 charges?

22 A Our demurrage would be calculated out of our
23 central accounting bureau.

24 Q Where would you get inputs as to placement
25 times?

1 A From those people.
2 Q How would you know when a particular car was
3 placed?

4 A I beg your pardon?

5 Q How would you know when a particular car is
6 placed or released?

7 A Well, the crew would make a record on their
8 wheel report set-out record.

9 Q And that would be the basis that you would use
10 for your accounting?

11 A Yes.

12 Q You would not call on SSW or SPSF to perform
13 any services in this regard?

14 A Not services of that nature. No, sir.

15 Q Are there any agency services that you would
16 expect SPSF employees to perform on this line?

17 A No, sir.

18 Q How would you propose to conduct investigation
19 of freight loss and damage claims on the Topeka-Liberal
20 line?

21 A Send a representative if it warranted such.
22 The car service agent that we speak of would also be
23 able to have contact with the customers in that regard.

24 Q Where is your closest investigator?

25 A I beg your pardon?

1 Q Where is your closest claim investigator?

2 A You're talking about a loss and damage claim
3 investigator?

4 Q Yes.

5 A I said the car service agent could provide the
6 investigation.

7 Q Mr. Todd, I am going to show you now an
8 excerpt from the transcript of one of those proceedings,
9 and I'd like to have you take a look at it, please.

10 JUDGE HOPKINS: Do you want this marked?

11 MR. BLASZAK: I don't think so, Your Honor. I
12 am sure this is in the record.

13 (Discussion off the record.)

14 JUDGE HOPKINS: We will be in recess until
15 9:00 o'clock tomorrow morning.

16 (Whereupon, at 4:55 o'clock p.m. the hearing
17 recessed, to reconvene at 9:00 o'clock a.m., the
18 following morning, Friday, January 11, 1985.)

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