



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

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Part of
Public Record

Meeting under Section 5, STB Reauthorization Act
September 21, 2021

Present: Members Begeman, Fuchs, Oberman, Primus, and Schultz
Staff Stephanie Borges, Rachel Campbell, Ellen Erichsen, Amanda Gorski,
Jessica Grunberg, Theodore Hunt, Craig Keats, Adam Kress, Elizabeth
McGrath, Lisa Novins, Valerie Quinn, Janie Sheng, Michael Small, Laura
Wilson, Amy Ziehm, Scott Zimmerman

Topic: Docket No. FD 35996, San Jacinto Transportation Co., Inc. – Operation
Exemption – SJRE Railroad Series; and FD 36473, W&P Development Corp.; WW
Champion Developments, Inc.; and SJRE – Railroad Series – Petition for Declaratory
Order

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on two related filings submitted jointly by W&P Development Corporation, WW Champion Developments, Inc., and SJRE – Railroad Series (collectively, “W&P”). W&P asks the Board to find that the exemption allowing San Jacinto Transportation Company, Inc. (“SJT”) to operate certain track on W&P’s property as a rail line is void ab initio, on the grounds that SJT made materially misleading statements in the verified notice of exemption. In the alternative, W&P seeks a Board order declaring that SJT is not now and cannot become a common carrier on the line, in part due to an alleged lack of relevant contractual rights. SJT filed a reply opposing both of W&P’s filings.

Staff and Board Members discussed the factual background, the parties’ arguments, and options for the Board’s resolution of W&P’s petitions.