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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36406

PORT AUTHORITY OF KANSAS CITY, MO.
—CONSTRUCTION AND OPERATION EXEMPTION—
IN JACKSON AND CLAY COUNTIES, MO.

ENTERED
Office of Proceedings
January 2, 2024
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Public Record

REPLY TO PORT KC'S VERIFIED SUPPLEMENT

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On November 20, 2023, the Surface Transportation Board directed the Port Authority of Kansas City, Missouri (Port KC), to file a verified supplement clarifying its plan to access rail lines owned by Union Pacific Railroad Company and The Kansas City Southern Railway Company, and existing non-common carrier industrial track owned by Molycop, as part of the rail line construction proposed in this proceeding.

Port KC notes in its verified supplement filed December 11, 2023, that Union Pacific has expressed concern about Port KC's proposal to use Union Pacific's right-of-way as part of its proposed project. As Union Pacific understood the proposal, Port KC planned to use Union Pacific's right-of-way for operations that would be more disruptive than a simple crossing. Although Union Pacific expressed its willingness to help Port KC accomplish its objectives with less disruption, Port KC proved unable to either provide or commit to providing Union Pacific with needed project specifics.

Port KC's verified supplement does not help clarify matters. Port KC now seems to be saying it would not need access to Union Pacific's right-of-way to route westbound traffic if it does not conclude that interchanging with the Kansas City Terminal Railroad provides "the best commercial opportunities." Supp. at 2. And, as the Board observes, Port KC could potentially avoid using Union Pacific's lines for eastbound traffic by

tunnelling under them. *See* Nov. 20 Order at 4 n.4. Depending on Port KC's intentions, the existing 400-foot tunnel could be utilized for both eastbound and westbound traffic after a renewal or replacement of the existing ties, rail, ballast, and subgrade.

Union Pacific remains willing to support Port KC in proposing a project both consistent with its goals and not disruptive of Union Pacific operations.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of January, 2024, I caused a copy of the foregoing document to be served by email on all parties of record in Docket No. FD 36406.

/s/ Michael L. Rosenthal