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Via electronic filing

June 20, 2018

Cynthia Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
June 20, 2018
Part of
Public Record

Re: STB Finance Docket No. 36025, Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC – Authority to Construct and Operate – Petition for Exemption from 49 U.S.C. § 10901 and Subtitle IV – Passenger Rail Line between Dallas, TX and Houston, TX

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1104.13(a), Delta Troy Interests, Ltd. (“Delta Troy”) hereby replies in opposition to the Motion for Leave to File Response to Replies (“Motion”), which was filed by Texas Central Railroad and Infrastructure, Inc. and Texas Central Railroad, LLC (collectively, “TCR”) on June 12, 2018. The Surface Transportation Board (“Board”) should reject both the Motion and the accompanying “Response” filed on the same day by TCR. The Board’s regulations clearly prohibit replies to replies, and TCR has not shown good cause to deviate from that rule. See 49 C.F.R. § 1104.13(c). Indeed, TCR merely seeks to have the last word and reiterates the same arguments made previously, none of which support the Board’s acceptance of its reply.

In the Response, TCR promised to suggest a procedural schedule if the Board accepts jurisdiction over the TCR proposal and considers the Petition for Exemption previously filed by TCR. See Response at 11. With this new wrinkle, TCR is trying to mask the obvious need for an application if the Board grants TCR’s Petition to Reopen and determines it has jurisdiction. If the Board accepts jurisdiction over the TCR proposal, a full application under 49 U.S.C. § 10901 would be required so that the proper process is utilized and the proper standard is applied by the Board. A makeshift exemption procedure would not enable the necessary and careful consideration of this unprecedented and “first of its kind” rail project proposal by either the Board or impacted stakeholders.

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Sincerely,



Karyn A. Booth

David E. Benz

Attorneys for Delta Troy Interests, Ltd.

cc: Counsel for TCR (via electronic mail and U.S. mail, postage prepaid)
All other parties on service list (via U.S. mail, postage prepaid)