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SERVICE DATE - LATE RELEASE OCTOBER 11, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36186

TEXAS RAILWAY EXCHANGE LLC—CONSTRUCTION AND OPERATION  
EXEMPTION—GALVESTON COUNTY, TEX.

Docket No. FD 36186 (Sub-No. 1)

PETITION OF TEXAS RAILWAY EXCHANGE LLC FOR ISSUANCE OF A  
CROSSING ORDER PURSUANT TO 49 U.S.C. § 10901(d)

Decided: October 11, 2019

On November 21, 2018, in Docket No. FD 36186, Texas Railway Exchange LLC (TREX) filed a petition for an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate approximately one-half mile of rail line in Galveston County, Tex. (the Line), to provide Texas International Terminals Ltd., with a direct connection to BNSF Railway Company. On February 22, 2019, TREX filed a petition in Docket No. FD 36186 (Sub-No. 1), for issuance of an order pursuant to 49 U.S.C. § 10901(d) to allow the proposed rail line to cross tracks owned by Union Pacific Railroad Company (UP).

The Board's Office of Environmental Analysis (OEA) issued a Draft Environmental Assessment (EA) on February 22, 2019. After considering the public comments received in response to the Draft EA, OEA issued the Final EA on May 2, 2019, recommending various conditions to avoid, minimize, or mitigate the potential environmental impacts of the proposed construction and operation.

Subsequently, counsel for TREX indicated to OEA that TREX was considering modifying the type of crossing to be used in crossing UP's tracks. On August 5, 2019, the Board directed TREX to file an update on the status of any discussions with UP on that issue. As directed, TREX filed with the Board on August 15, 2019, a status report stating that the parties have held discussions on the proposed routing, crossing, and operations, as well as related matters, and are engaged in further discussions.

TREX will be directed to file an update on the status of any discussions with the parties regarding possible modification of the proposed crossing by November 12, 2019, and every 45 days thereafter until discussions have concluded or until further order of the Board.

It is ordered:

1. TREX is directed to file a report updating the Board on the status of discussions with the parties regarding possible modification of the proposed crossing by November 12, 2019, and every 45 days thereafter until discussions have concluded or until further order of the Board.

2. This decision is effective on its date of service.

By the Board, Allison C. Davis, Director, Office of Proceedings.