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SERVICE DATE – FEBRUARY 11, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36186

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

Decided: February 11, 2019

On November 21, 2018, Texas Railway Exchange LLC (TREX) filed a petition under 49 U.S.C. § 10502 for an exemption from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate a proposed common carrier rail line in Galveston, Tex. (the Line). According to TREX, the proposed Line would consist of approximately one-half mile of rail line and would provide the Texas International Terminals Ltd. (TIT) with a permanent, direct, and more efficient connection to the BNSF Railway Company (BNSF) to better serve the business needs of TIT, BNSF, third party shippers, and the public. TREX states that TIT's customers currently rely on reciprocal switching service from the Union Pacific Railroad Company (UP) for BNSF trains to access TIT.

On December 5, 2018, UP filed a motion for extension of time to reply to TREX's petition. Specifically, UP requested that the Board extend its time to reply until 20 days after TREX completes its responses to UP's discovery requests served on December 4, 2018. UP's motion stated that it had requested discovery responses from TREX by December 19, 2018. On December 7, 2018, TREX filed in opposition to UP's motion. TREX also stated that it intended to respond to UP's discovery requests and provide UP with relevant, responsive information.

By decision served on December 11, 2018, UP's motion for extension of time was granted so that UP could reply to TREX's petition informed by the information obtained through discovery. The decision further stated that, upon completion of the discovery served by UP on December 4, TREX shall promptly file notice of that completion with the Board and replies to TREX's petition shall be due 20 days after the date that notification was filed (subject to the rule at 49 C.F.R. § 1104.7(a) pertaining to computation of time).

The parties will be directed to submit, by February 13, 2019, a report updating the Board on the status of the discovery served by UP on December 4 and when the parties expect to complete that discovery.

It is ordered:

1. The parties are directed to submit, by February 13, 2019, a report updating the Board on the status of the discovery served by UP on December 4 and when the parties expect to complete that discovery.

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

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