

SERVICE DATE – DECEMBER 20, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34985

HANSON AGGREGATES, INC. AND HANSON AGGREGATES WRP, INC.—
ALTERNATIVE RAIL SERVICE—
LINES OF SOUTH PLAINS SWITCHING, LTD. CO.

Decided: December 19, 2007

Citing the inadequacy of the rail service they were receiving, Hanson Aggregates, Inc. and Hanson Aggregates WRP, Inc. (collectively, Hanson) jointly filed a petition on January 12, 2007, under 49 U.S.C. 11123 and 49 CFR part 1146, seeking an order authorizing interim alternative rail service over the lines of South Plains Switching, Ltd. Co. (SAW) in Lubbock, TX, by West Texas & Lubbock Railway Company, Inc. (WTL).¹ In a pleading filed on January 22, 2007, SAW moved to dismiss the petition and, in the alternative, opposed it.

All of SAW's rail lines and related property were sold to PYCO Industries, Inc. (PYCO) effective November 9, 2007, pursuant to the authorization in PYCO Industries, Inc.—Feeder Line Application—Lines of South Plains Switching, Ltd. Co., STB Finance Docket No. 34890, et al. (STB served Aug. 31, 2007) and a settlement agreement between PYCO, SAW, and Choo Choo. In light of that recent sale of all of SAW's rail lines and related property, the petition for interim alternative rail service will be dismissed as moot because SAW no longer provides any rail service and a different entity is now responsible for providing Hanson with service on the leased track.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Hanson's petition for interim alternative rail service and related relief is dismissed.

¹ Hanson operates a transload facility on a track it formerly leased from SAW, at which it received rail deliveries from SAW. In the petition, Hanson also sought to void SAW's transfer of the track in question to a related company, Choo Choo Properties, Inc. (Choo Choo), and to stay Choo Choo's attempted cancellation of Hanson's track lease; the Board granted that relief in PYCO Industries, Inc.—Feeder Line Application—Lines of South Plains Switching, Ltd. Co., STB Finance Docket No. 34890 (STB served Jan. 24, 2007).

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary