

**Surface Transportation Board Votes To Authorize Construction of "Bayport Loop" Line To Provide Additional Rail Service in Houston Area**

Surface Transportation Board (Board) Chairman Roger Nober announced that the Board, at its open voting conference held today, voted to authorize construction of the "Bayport Loop" project, which will give certain Houston, Texas-area shippers access to an additional railroad to provide competitive service. The Board voted to impose mitigation measures to address the minor and negligible environmental impacts identified in an Environmental Impact Statement (EIS) and concerns raised by the local community.

In announcing the Board's vote, Chairman Nober said,

**"This decision will provide BNSF the opportunity to serve chemical companies in the Bayport Loop. Permitting railroads to construct new lines to reach customers is the right way to promote rail-to-rail competition."**

Commenting on the environmental review process, Chairman Nober remarked,

**"I am proud that we completed such a thorough environmental review and reached a decision on the merits in only 17 months, which sounds like a long time to most of us, but is rather expeditious in the world of environmental review of transportation projects."**

Commission Morgan commented,

**"Our approval today is the culmination of a process that I believe has achieved the proper balance between the need for a full and fair review of environmental matters and the need for a timely review of projects that can enhance the Nation's rail transportation infrastructure and the service that it provides. This decision represents good government, and I wholeheartedly endorse it."**

In accordance with the regulations of the President's Council on Environmental Quality implementing the National Environmental Policy Act at Section 1506.10(b) of Title 40, *Code of Federal Regulations* [40 CFR 1506.10(b)], the Board set the deadline for filing administrative appeals in this case as 30 days from the date on which notice of the Final EIS is published in the *Federal Register*. The Board's final decision here will not become effective until that date.

The Board's decision in this case, entitled *San Jacinto Rail Limited Construction Exemption and The Burlington Northern and Santa Fe Railway Company Operation Exemption --Build-Out to the Bayport Loop Near Houston, Harris County, TX*, STB Finance Docket No. 34079, is being issued today. Commissioner Morgan commented. Printed copies will be available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via [da2dalegal@earthlink.net](mailto:da2dalegal@earthlink.net). The decisions also will be available for viewing and downloading under "Decisions & Notices" on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov). A fact sheet is attached.

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## **ATTACHMENT**

### **FACT SHEET**

In August 2002, the Board examined the transportation aspects of a proposal for the construction by San Jacinto Rail Limited and operation by The Burlington Northern and Santa Fe Railway Company (collectively, "BNSF") of a 12.8-mile line of railroad serving petrochemical industries in the Bayport Loop industrial district area of Houston. The line would connect the Bayport Loop with the former Galveston, Henderson and Houston Railroad line (or GH&H line), now owned by Union Pacific Railroad Company (UP). BNSF would operate over the GH&H via trackage rights imposed as a condition of the 1996 merger between UP and Southern Pacific Transportation Company. Currently, UP is the only railroad serving the Bayport Loop.

In its August decision, the Board tentatively concluded that the proposal should be allowed because it would promote the Rail Transportation Policy by providing an alternative rail service option to shippers in the Bayport Loop, but reserved making a final decision until completion of the environmental review process.

Today's vote follows the issuance of an Environmental Impact Statement (EIS) that accounted for the more than 600 comments received after extensive public outreach conducted by the Board's Section of Environmental Analysis (SEA). The EIS indicates that the proposal would have only minor or negligible environmental impacts. Furthermore, it indicates that the environmental impacts that would occur can be effectively mitigated by BNSF's voluntary mitigation measures, as well as additional environmental conditions that SEA developed.

The EIS considers various alternative routings for the proposed project. Consistent with the EIS, the Board today voted to identify Alternative "1C"--which was designed to avoid potential impacts on aviation--as the preferred route, although it finds that all of the route alternatives considered in the EIS are fully acceptable environmentally and therefore authorizes petitioners to construct and operate any one of them. Additional information on the EIS was provided in a fact sheet attached to a news release issued on May 2, 2003.

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