

207074

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Richard R. Morrison, IV

2900 Wesleyan, Suite 400
Houston, Texas 77027
Telephone (713) 524-1012
Telefax (713) 524-5165

January 20, 2003

VIA FAX: 202/565-9004 and Certified Mail

RRR# 7002 2030 0001 8123 2452

Mr. Vernon A. Williams

Secretary

Surface Transportation Board

ATTN: STB Finance Docket No. 34079

1925 K Street, NW

Washington, DC 20006

Dear Secretary Williams:

RE:

STB Finance Docket No. 34079

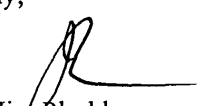
**San Jacinto Rail Limited Construction Exemption and the Burlington Northern and
Santa Fe Railway Company Operation Exemption -
Build-out to the Bayport Loop near Houston, Harris County, TX**

Cover Letter and Certificate of Service

Enclosed is an original and 10 copies of the Galveston Bay Conservation and Preservation Association's of the following materials:

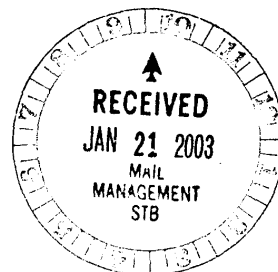
1. Request for Production of Documents and Records from the Union Pacific Railroad Company.
2. Request for Production of Documents and Records from the Burlington Northern Santa Fe Railway Company.
3. Request for Production of Documents and Records from the Surface Transportation board.

Sincerely,


Jim Blackburn
ATTORNEY

for Party of Record

**GALVESTON BAY CONSERVATION AND
PRESERVATION ASSOCIATION**



ENTERED
Office of Proceedings

JAN 21 2003

Part of
Public Record

Certificate of Service

I hereby certify that the foregoing has been served on all Parties of Record in *Finance Docket Number 34079*, by first class mail or more expeditious means, on this 20th day of January, 2003.



Jim Blackburn
ATTORNEY
for Party of Record
GALVESTON BAY CONSERVATION
AND PRESERVATION ASSOCIATION

Service List

Representative

Martin W. Bercovici
Keller and Heckman LLP
1001 G St NW Suite 500 West
Washington, DC 20001

Erika Z. Jones
Kathryn A. Kusske
Mayer Brown Rowe & Maw
1909 K Street NW
Washington, DC 20006-1101

Louise A. Rinn
Union Pacific RR Co
1416 Dodge Street Room 830
Omaha, NE 68179

Michael L. Rosenthal
Covington & Burling
1201 Pennsylvania Avenue NW
Washington, DC 20004-2401

Richard J. Schiefelbein
Woodharbor Associates
7801 Woodharbor Drive
Fort Worth, TX 76179-3047

Represents Party of Record:

Atofina Petrochemicals
Basell USA
Equistar Chemicals LP
Lyondell Chemical Company

Burlington-Northern Santa Fe
San Jacinto Rail Limited

Union Pacific

Union Pacific

Port of Houston Authority

James B. Blackburn, Jr.
Blackburn & Carter, P.C.
2900 Wesleyan Suite 400
Houston, TX 77027

Galveston Bay Conservation and Preservation
Association

Amy Carruth
Greater Houston Partnership
120 Smith Street, Suite 700
Houston, TX 77002-4400

Greater Houston Partnership

Anthony W. Hall, Jr.
City Attorney
City Hall Annex
900 Bagby, 4th Floor
Houston, TX 77002

City of Houston

Mayor Lee Brown
P.O. Box 1562
Houston, TX 77251-1562

City of Houston

David F. Zoll
Chemical Manufacturers Association
Commonwealth Tower
1300 Wilson Blvd
Arlington, VA 22209

Chemical Manufacturers Association

William W. Whitehurst
W.W. Whitehurst & Associates, Inc.
12421 Happy Hollow Road
Cockeysville, MD 21030-1711

Petitioners Economic Consultant

Gregory Rincon
Eastwood/Broadmoor Community Dev. Corp.
P.O. Box 230209
Houston, TX 77223

Eastwood/Broadmoor CDC
Greater East End Coalition for Community
Concerns

Daniel R. Elliot III
Asst. General Counsel, United Transp. Union
14600 Detroit Avenue
Cleveland, OH 44107-4250

United Transportation Union

Commissioner Jerry Eversole
1001 Preston, Suite 924
Houston, TX 77002

Harris County Commission Pct. 4

Mary E. Nave
4066 Commercial Avenue
Northbrook, IL 60062-1851

Old World Industries

John O'Leary
Atofina Chemicals
2000 Market Street 24th Floor
Philadelphia, PA 19103-3222

Atofina Chemicals

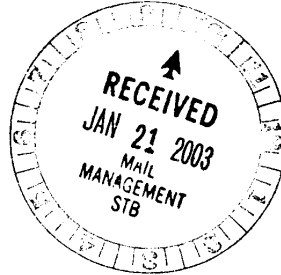
BLACKBURN CARTER

A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Richard R. Morrison, IV

2900 Wesleyan, Suite 400
Houston, Texas 77027
Telephone (713) 524-1012
Telefax (713) 524-5165

January 20, 2003



VIA FAX: 202/565-9004 and Certified Mail

RRR# 7002 2030 0001 8123 2452

Mr. Vernon A. Williams

Secretary

Surface Transportation Board

ATTN: STB Finance Docket No. 34079

1925 K Street, NW

Washington, DC 20006

Dear Secretary Williams:

Attached is a request for production of documents being served on the Surface Transportation Board by the Galveston Bay Conservation and Preservation Association in the U.S. Surface Transportation Board preceding Finance Docket Number 34079.

Please provide us with a response within 30 days, by 5:00 pm on February 20, 2003.

Sincerely,

RECEIVED
OFFICE OF PROSECUTOR
JAN 21 2003
Part of
Public Record

Jim Blackburn
ATTORNEY

for Party of Record

GALVESTON BAY CONSERVATION AND
PRESERVATION ASSOCIATION

Before the Surface Transportation Board

STB Finance Docket No. 34079

**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**

The Galveston Bay Conservation and Preservation Association

Request for Production of Documents and Records

I. Introduction

This is a request for production of documents and records served pursuant to 49 CFR 1114.30, the U.S. Surface Transportation Board's regulations on such discovery. Those regulations provide for any party to a proceeding to request the production of certain documents from another party.

GBCPA requests an inventory of the documents to be provided pursuant to this request, with an estimate of duplication costs, and that a representative of Bayport Industries contact Jim Blackburn at Blackburn Carter within the response period to further discuss specifics of the time and manner of production.

A response is due to the law office of Blackburn & Carter within 30 days, by 5:00pm on February 20, 2003.

DEFINITIONS

- (A) The Port of Houston Authority ("PHA") has designed a container port at the Pasadena/Bayport Industrial District area and this port is partially proposed to be in the City of Pasadena and partially in the City of Seabrook and south of the Bayport channel. PHA has filed, for this proposed PHA container port, a permit application with the Army Corps of Engineers ("COE") and a Draft Environmental Impact Statement ("DEIS") has been researched and produced. This proposed PHA/Bayport container port will be referred to herein as "Bayport Container Terminal," which includes all references to its status as the project site.
- (B) ("BNSF") The Burlington Northern-Santa Fe Railway Company, a petitioner in this proceeding.
- (C) ("Bayport Industries") The four chemical producing partners recognized as intervenors in this proceeding: ATOFINA Petrochemicals, Inc. (ATOFINA), Basell USA Inc., Equistar Chemicals, LP, and Lyondell Chemical Company. Herein, Bayport Industries refers to any one of the four intervenors listed above.

- (D) ("SJR") San Jacinto Limited Partnership, a petitioner in this proceeding, consisting of one general partner, Bay Rail, LLC, a subsidiary of BNSF, and several limited partners, i.e., BNSF, Basell Impact Holding Company, Bay Junction, Inc., Equistar Bayport, LLC, and Lyondell Bayport, LLC. The four latter companies are wholly owned subsidiaries of the Bayport Industries. For purposes here, reference to one of the Bayport Industries constitutes a reference to their subsidiary or holding company as part of SJR.
- (E) ("UP") Union Pacific Railroad Company, a party to this proceeding.
- (F) ("Bayport Loop") The destination of the proposed construction in this proceeding. The UP tracks currently serving the Bayport Industries south of the Union Pacific's Strang Yard in La Porte, TX.
- (G) ("GBCPA") The Galveston Bay Conservation and Preservation Association, a party to this proceeding.
- (H) ("PTRA") The Port Terminal Railroad Association.
- (I) ("Documents") As used herein, the term "document" or "documents" means: any written or graphic matter of every kind and description, however produced or reproduced by any process or written and/or produced by hand, whether final or draft, original or reproduction, whether in the actual or constructive possession or control of the party, including, but not limited to, all hand-written, copies of all kinds, regardless of origin, including all correspondence, memoranda, notes of memoranda understandings reports, financial reports and statements, checks, notes, letters, telegrams, messages (including tape recordings and reports of telephone conversations and conferences), studies, analyses, comparisons, demands, data, schedules, shop orders, recordings, papers, data sheets, publications, books, magazines, newspapers, booklets, circulars, brochures, bulletins, notices, instructions, drafts, notebooks, diaries, sketches, diagrams, charts, working papers, forms, manuals, lists, minutes, computer hard drives, computer floppy disks, computer hard disks, computer laser disks, computer tapes, CD-ROM's, computer cards, electronic mail, and other communications including inter-office and intra office communications, surveys, photographs, drawings, charts, notes of meetings, conversations, records of conversations, records, work papers, invoices, balance sheets, profit and loss statements, statements of earnings, checks, statements of net worth, statements of operation, auditor reports, financial reports and summaries, statements of lists of assets, agreements, contracts, expense records, opinions, legal opinions, expert opinions, expert reports, accounts payable ledgers, accounts receivable ledgers appraisals, audit work papers, minutes of meetings, consultations and any ancillary materials, whether executed or unexecuted, reports and/or summaries of investigations or opinions, all reports of consultants, engineering reports and municipal, county, state, federal or other governmental ordinances, laws or statutes and, any types of official or unofficial trade or organization publications or standards, any data compilation or information resources from which information can be obtained or transferred, and any changes and amendments of any of the

foregoing categories of documents including any and all drafts, alterations and/or modifications.

- (J) ("dating from") Establishes a time period for the date of the document, if any.
- (K) ("regarding") Mentioning the subject matter of the request.
- (L) ("this proceeding") Finance Docket Number 34079.

II. Request

Public safety is an issue in this proceeding. GBCPA hereby requests all documents in both written and electronic form pertaining to the interface between pipelines, rail operations, and public safety. This request is intended to be inclusive of studies, reports, speeches, and power point presentations regarding this subject matter.

January 20, 2003



Jim Blackburn
ATTORNEY

for Party of Record
GALVESTON BAY CONSERVATION
AND PRESERVATION ASSOCIATION