

TEXAS TRANSPORTATION COMMISSION

MINUTE ORDER

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VARIOUS Counties

VARIOUS Districts

Pursuant to Section 1.09 of House Bill 2702, 79th Legislative Session, 2005, all powers and duties of the Texas Railroad Commission related to railroads and the regulation of railroads were transferred to the Texas Department of Transportation (department), effective October 1, 2005. The transfer included all then-pending applications filed with the Railroad Commission.

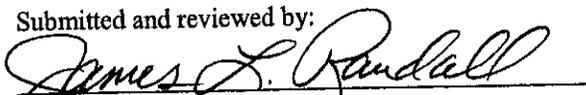
The Texas Transportation Commission is authorized to consider and approve the applications pursuant to Texas Civil Statutes, Article 6559f.

Five applications concerning railroad safety were filed with the Railroad Commission and are now pending before the department. Each applicant requests a deviation from requirements specifying the minimum clearance between railroad tracks and structures. A summary of the applicant information and the requested railroad clearance deviation is shown in Exhibit A. Applicants have provided information such as plans, site descriptions and photographs to describe the obstructions and their relative location to existing and proposed rail facilities.

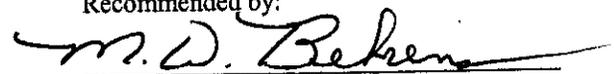
All plans and sites were inspected and reviewed by department rail safety inspectors. All requests for railroad clearance deviations are recommended for approval with qualifying conditions such as illuminated signage near structures, warning of close clearance conditions and requirements to notify servicing railroads of close clearance conditions. The approval of these applications will allow for a greater use of these rail facilities.

IT IS THEREFORE ORDERED that the applications listed in this order are approved. The Executive Director or his designee is authorized to approve the variances in this order and to require appropriate measures to ensure the safety of equipment and people where the variances are granted.

Submitted and reviewed by:


Director, Transportation Planning
and Programming Division

Recommended by:


Executive Director

110268 OCT 27 05

Minute Number Date Passed

Exhibit A - Summary of Application Information and Clearance Deviation Requests

1. Synsil Products, Inc. – Cleburne, Texas
 - a. Serviced by Fort Worth & Western Railroad
 - b. Request for vertical and horizontal clearance deviation at product railcar loading facilities
 - c. Facility produces a synthetic silicate from lime, hydrated lime and silica
 - d. Deviation request from 22' vertical clearance requirement at three existing and three future locations on Tracks 1 and 2 for loading product from overhead silos – retractable loading spout will be at 17' 6-1/16" above top of rail when loading
 - e. Deviation request from 8' 6" clearance requirement at same location for a swing-down gangway for access to tops of railcars. In the up-position, the gangway is 6' 5" from the centerline of the rail.

2. Cemex, Inc. – Houston, Texas
 - a. Serviced by Union Pacific Railroad
 - b. Request for vertical and horizontal clearance deviation at product railcar loading facilities
 - c. Facility produces cement, clinker (slag), and gypsum
 - d. Deviation request at Track 819 loading area from 8' 6" horizontal clearance requirement for an I-beam stairway support that is 7.7' from track centerline
 - e. Deviation request at Track 819 pit house from 8' 6" horizontal clearance requirement for two roof support I-beams that are 8' from track centerline
 - f. Deviation request at Track 820 loading area from 8' 6" horizontal clearance requirement for a building side that is 8.4' from track centerline
 - g. Deviation request at Track 821 unloading building from 8' 6" horizontal clearance requirement for two roof support beams that are 8' 2" from track centerline and two roof support beams that are 8' 4" from track centerline

3. Prime Rail Interest – Fort Worth, Texas
 - a. Serviced by BNSF Railroad and Union Pacific Railroad
 - b. Request for vertical clearance deviation for access to an industrial facility
 - c. Facility is a 222 acre industrial park
 - d. Deviation request from 22' vertical clearance requirement to 21' clearance for the construction of a rail line under Meacham Boulevard between North Main and Gold Spike Drive in Fort Worth. This will allow access to the industrial park by BNSF and UP after the new rail line is constructed.

4. ConocoPhillips – Old Ocean, Texas
 - a. Serviced by Union Pacific Railroad
 - b. Request for horizontal clearance deviations for upgrades to existing loading gangways with improved safety features (mandated by OSHA)
 - c. Facility is a refinery that loads liquids and LPG type tankers
 - d. Deviation request from 8' 6" horizontal clearance requirement for three 7' 8" horizontal clearances and one 8' 3" horizontal clearance

5. Rohm and Haas – Houston, Texas (Bayport Plant)
 - a. Serviced by Union Pacific Railroad
 - b. Request for horizontal and vertical clearance deviations at loading/unloading stations
 - c. Facility receives chemical raw materials and produces specialty chemicals
 - d. Deviation request from 8' 6" horizontal clearance requirement and from 22' vertical clearance requirement for ten loading/unloading stations. The maximum vertical intrusion results in a vertical clearance of 17'. The maximum horizontal intrusion results in a horizontal clearance of 7' 4". The deviation requests will intrude into the clearance envelope.