

SERVICE DATE – AUGUST 7, 2023

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 30800

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY AND
MISSOURI PACIFIC RAILROAD COMPANY—CONTROL—MISSOURI-KANSAS-TEXAS
RAILROAD COMPANY, ET AL.

Docket No. FD 30800 (Sub-No. 22)

THE KANSAS CITY SOUTHERN RAILWAY COMPANY—TRACKAGE RIGHTS—OVER
MISSOURI PACIFIC RAILROAD COMPANY AND MISSOURI-KANSAS-TEXAS
RAILROAD COMPANY

Digest:¹ In this decision, the Board sets deadlines for reply and rebuttal
comments.

Decided: August 7, 2023

On August 1, 2023, The Kansas City Southern Railway Company (KCSR) filed a petition to enforce conditions imposed by the Board’s predecessor, the Interstate Commerce Commission (ICC), when the ICC approved the acquisition of control by Union Pacific Corporation, Union Pacific Railroad Company (UP), and Missouri Pacific Railroad Company of Missouri-Kansas-Texas Railroad Company and its subsidiaries in 1988. (Pet. 4, 5.) Specifically, KCSR requests an order from the Board declaring that KCSR may continue to use the so-called “South End” rights to handle grain traffic moving between points north and east of Kansas City (including points served by CP/Soo Line Railroad Company in North Dakota and elsewhere) and received by KCSR at Kansas City. (*Id.* at 4, 6 n.5.) KCSR seeks expedited consideration of its petition to ensure that grain shippers can prepare for the upcoming fall grain and soybean harvest season. (*Id.* at 5, 8, 25.) According to KCSR, grain shippers must make arrangements 45 to 60 days before the anticipated shipping date. (*Id.* at 25.)

Under 49 C.F.R. § 1104.13(a), a party “may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided.” In this case, the Board finds that an expedited procedural schedule is appropriate in light of the upcoming fall harvest season. Accordingly, UP’s reply to KCSR’s petition will be due on August 14, 2023.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol’y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

Additionally, in its petition, KCSR states that it will submit any rebuttal comments within 10 days of UP's reply. (Pet. 25.) Under the Board's regulations at 49 C.F.R. § 1104.13(c), a reply to a reply is not permitted. However, in the interest of compiling a complete record, the Board will permit KCSR to file rebuttal comments, if any, no later than noon on August 21, 2023.

It is ordered:

1. UP's reply to KCSR's petition to enforce conditions is due on August 14, 2023.
2. KCSR's rebuttal is due no later than noon on August 21, 2023.
3. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.