



Office of
Proceedings



DECISION ID NO.: 51970
DECIDED DATE: 12/5/2023
SERVED DATE: 12/5/2023
APPROVED: MacNeil

Director

BEFORE THE
SURFACE TRANSPORTATION BOARD

307581

ENTERED
Office of Proceedings
December 4, 2023
Part of
Public Record

FINANCE DOCKET NO. 22218

ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
—OPERATING RIGHTS—
SOUTHERN PACIFIC TRANSPORTATION CO.

JOINT MOTION TO ADOPT PROPOSED PROCEDURAL SCHEDULE

BNSF Railway Company (“BNSF”) and Union Pacific Railroad Company (“Union Pacific”) (collectively, the “Parties”) hereby propose a procedural schedule to govern resolution of this proceeding.

On May 15, 2023, the Surface Transportation Board (“STB” or “Board”) ordered the Parties to engage in 30 days of Board-sponsored mediation following the close of the discovery period. *See Atchison, T. & S.F. Ry.—Operating Rts.—S. Pac. Transp. Co.*, FD 22218, slip op. at 4 (STB served May 15, 2023). If the Parties were unable to resolve the matter in its entirety through mediation, the Board ordered the Parties to meet and confer, and to jointly submit to the Board, seven days following the last day of the mediation period, a proposed procedural schedule for the resolution of any remaining issues. *Id.*

The parties held two mediation sessions and a number of conferences with the mediators. Additionally, the Board granted the Parties’ joint request to briefly continue mediation efforts to November 27, 2023. *See Atchison, T. & S.F. Ry.—Operating Rts.—S. Pac. Transp. Co.*, FD 22218 (STB served Nov. 14, 2023). Despite

best efforts, the Parties have not yet been able to reach an agreement on the matters pending in this proceeding. In accordance with the Board's May 15, 2023 order, the Parties jointly propose the following procedural schedule:

Event	Due Date
Simultaneous filing of opening statements and evidence (including expert reports)	May 3, 2024
Last day for submission of written discovery on opening statements and evidence	May 23, 2024
Last day for depositions of experts	June 17, 2024
Simultaneous filing of reply statements and evidence	July 17, 2024
Simultaneous filing of final briefs (no new evidence, 30-page limit inclusive of exhibits)	August 16, 2024

The Parties respectfully request that the Board adopt the jointly proposed procedural schedule.

Respectfully submitted,

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Dated: December 4, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2023, I have caused the foregoing Joint Motion to Adopt Proposed Procedural Schedule to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Onika K. Williams

Onika K. Williams

Attorney for BNSF Railway Company