

THE  
ROMNEY GROUP

308441

July 2, 2024

ENTERED  
Office of Proceedings  
July 2, 2024  
Part of  
Public Record

**By E-Filing**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20423

Re: STB Docket No. FD 32760 (Sub-No. 50), *BNSF Railway Company—  
Petition for Enforcement—Interchange with Savage Tooele Rail-  
road Company*

Dear Ms. Brown:

Pursuant to the Surface Transportation Board's procedural rules, The Romney Group, LLC hereby submits this letter commenting on the Petition for Enforcement filed by BNSF Railway Company (BNSF) in this proceeding on June 20, 2024.

The Romney Group, LLC is an affiliate of RG Lakeview, LLC, which is the owner and developer of the +/- 1,700-acre industrial development known as Lakeview Business Park. Lakeview Business Park offers greenfield, rail-served development opportunities for tenants who desire to be within 25 minutes of Salt Lake International Airport and near both I-80 and I-15. Ideally, tenants within Lakeview Business Park should have access to both the Union Pacific Railroad Company (UP) and BNSF in order to achieve the best possible service and rates.

BNSF possesses certain rights to run its trains on UP's main interstate railroad line that runs from Salt Lake City, Utah to Wendover, Utah and beyond to Nevada and California. The grant of these rights was a condition placed by the Board on its approval of the merger of UP and Southern Pacific Lines in 1996, and their purpose is to preserve the ability of qualifying railroad shippers to receive rates and service terms established in an environment where UP and BNSF can compete for the shipper's business. According to BNSF's Petition, the rights granted to BNSF include the ability to interchange railroad cars with new short line railroads like the Savage Tooele Railroad that receive approval from the Board to construct railroad lines which will connect shippers and industrial parks to the UP main line.

An industrial park with access to two railroads is highly preferable to being limited to service by only one railroad. In addition to the potential for lower rates, better service terms, and additional destinations and origins for commodities and/or raw materials, the

2265 E Murray Holladay Road  
Holladay, UT 84117  
801.953.1110  
theRomneyGroup.com

presence of an alternative railroad service provider can alleviate harms to shippers from service breakdowns on the other carrier's rail system. For these reasons, RG Lakeview, LLC and shippers locating within the Lakeview Business Park would benefit greatly from having the ability to receive railroad service from either BNSF or UP. Indeed, this ability is often the deciding factor on where a particular business chooses to construct its rail-served facility.

BNSF's Petition seeks a ruling from the Board that BNSF will be able to interchange cars from shippers in the Lakeview Business Park with the Savage Tooele Railroad. According to BNSF, UP is arguing that BNSF's rights to interchange with new short line tracks that connect to the UP main line do not apply to the Savage Tooele Railroad project because its new track will not directly connect to the UP main line. Rather, it will connect to a 1.07-mile track owned by UP that in turn is connected to its main line. Consequently, UP's position is that the Savage Tooele Railroad will only be able to interchange railcars with UP.

The Romney Group, LLC does not take a position on the merits of the legal arguments raised by BNSF in its Petition. However, for all the reasons set out above, we are very much in favor of shippers within the Lakeland Business Park being able to obtain railroad service from both UP and BNSF.

Very yours Truly,



Thane Smith,

The Romney Group, LLC  
Chief Development Officer  
Lakeview Business Park



### **CERTIFICATE OF SERVICE**

I hereby certify that on this 2d day of July 2024, a copy of the foregoing Letter was served by electronic mail on the parties of record on the official service list for Docket No. FD 32760 (Sub- No. 50).

/ss/Thane Smith  
Thane Smith