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VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

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

Dear Ms. Brown:

I am writing on behalf of BNSF¹ to update the Board regarding developments related to the above-referenced proceeding.

On April 15, 2024, UP served BNSF with a demand for arbitration, seeking an order interpreting the UP/BNSF settlement agreement (as restated and amended, the “RASA”) imposed by the Board as a condition to its approval of the UP/SP merger. UP seeks to restrict BNSF from interchanging with Savage Tooele Railroad Company (“STR”) at Tooele, UT. UP’s incorrect interpretation of the RASA would artificially stifle competition between UP and BNSF for rail transportation movements to shippers served by STR.

On June 20, 2024, BNSF petitioned the Board to assert jurisdiction over the dispute and for the Board to enforce its UP/SP merger conditions to require UP to allow BNSF to interchange with STR. BNSF asked that the Board set a procedural schedule that will provide for party-directed discovery and the submission of evidence and argument by any interested party.

¹ The acronyms and defined terms used herein are the same as those used in the BNSF Petition for Enforcement filed in this proceeding on June 20, 2024.

BNSF's petition in this proceeding remains pending.² In the meantime, the American Arbitration Association ("AAA") has continued the arbitrator appointment process. On April 10, 2025, AAA appointed the Chair of the panel, completing the appointment process. On April 14, 2025, BNSF moved to stay the arbitration until the Board rules on BNSF's Petition.

BNSF respectfully requests that the Board rule expeditiously on the BNSF's pending petition in this proceeding, given the likely impact of the Board's ruling on the arbitration. We will advise the Board of further relevant developments.

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton
Attorney for BNSF Railway Company

cc: All parties of record

² Three other BNSF actions at the Board regarding UP/SP merger access also remain pending. *See BNSF Ry.—Terminal Trackage Rts.—Kan. City S. Ry. (Lake Charles)*, FD 32760 (Sub-No. 46) (last filing made on October 7, 2024); *BNSF Ry.—Pet. for Enforcement—Serv. to Granite Mountain Quarries*, FD 32760 (Sub-No. 48) (last filing made on April 8, 2024); *BNSF Ry.—Pet. for Clarification—Serv. to Colo. Materials*, FD 32760 (Sub-No. 49) (last filing made on March 26, 2024).

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket No. FD 32760 (Sub-No. 50) to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Peter W. Denton

Peter W. Denton
Attorney for BNSF Railway Company

April 17, 2025