

BEFORE THE
SURFACE TRANSPORTATION BOARD

309813

FINANCE DOCKET NO. 32760 (SUB-NO. 49)

BNSF RAILWAY COMPANY
—PETITION FOR CLARIFICATION—
SERVICE TO COLORADO MATERIALS

ENTERED
Office of Proceedings
July 23, 2025
Part of
Public Record

CONSENT MOTION TO MODIFY PROCEDURAL SCHEDULE

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Union Pacific Railroad Company (Union Pacific) respectfully requests that the Surface Transportation Board (STB or Board) issue an order modifying the procedural schedule in the captioned proceeding as follows:

Event	Due Date
Union Pacific’s Written Responses and Objections to BNSF’s First Discovery Requests	August 11, 2025
Close of Discovery	September 11, 2025
Deadline for BNSF’s Amended Petition (if BNSF files an amended petition)	October 10, 2025
Deadline for Union Pacific’s Reply (if BNSF files an amended petition)	November 10, 2025

Union Pacific is authorized to state that BNSF Railway Company (BNSF) supports this request.

On February 15, 2024, BNSF filed a petition asking the Board to issue an order clarifying that BNSF has the right to serve Colorado Materials—a shipper facility located on a Union Pacific-owned line known as the Cline Mine Industrial Lead in Uvalde County, Texas—under the conditions imposed by the Board as part of the Union Pacific/Southern Pacific merger. On June 30, 2025, the Board issued an order denying BNSF’s petition. *See BNSF Ry.—Petition for Clarification—Service to Colorado Materials*, FD 32760 (Sub-No. 49) (STB served June 30, 2025). However, the Board gave BNSF until August 29, 2025, to obtain discovery from Union

Pacific and submit an amended petition, with Union Pacific's reply due by September 29, 2025. *See id.*, slip op. at 8. BNSF served Union Pacific with discovery requests on July 11, 2025.

Good cause exists to modify the procedural schedule. The same day the Board served its decision in this proceeding, it served a similar order with identical discovery and filing deadlines in another proceeding involving the same parties. *See BNSF Ry.—Petition for Enforcement—Service to Granite Mountain Quarries*, FD 32760 (Sub-No. 48) (STB served June 30, 2025). In addition, Union Pacific is presently responding to BNSF discovery in a third proceeding before the Board. *See BNSF Ry.—Petition for Enforcement—Interchange with Savage Tooele R.R.*, FD 32760 (Sub-No. 50) (STB served Apr. 28, 2025). Union Pacific therefore asks the Board to adopt the modified procedural schedule set forth above to allow Union Pacific sufficient time to complete discovery in all three proceedings and allow both Union Pacific and BNSF sufficient time to prepare substantive filings in these proceedings.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2025, I have caused the foregoing Consent Motion to Modify Procedural Schedule to be served electronically on all parties of record in this proceeding.

/s/ Michael L. Rosenthal