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SERVICE DATE – SEPTEMBER 26, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 32760 (Sub-No. 50)

BNSF RAILWAY COMPANY—PETITION FOR ENFORCEMENT—
INTERCHANGE WITH SAVAGE TOOEELE RAILROAD COMPANY

Decided: September 26, 2025

On June 20, 2024, BNSF Railway Company (BNSF) filed a petition requesting that the Board enforce certain conditions imposed in its 1996 decision authorizing the merger of the Union Pacific Railroad Company (UP) and the Southern Pacific Rail Corporation by requiring UP to allow BNSF to interchange with Savage Tooele Railroad Company, a short line railroad serving the Lakeview Business Park in Tooele County, Utah. By decision served April 28, 2025, the Board denied UP's request to dismiss BNSF's petition and set a procedural schedule for this proceeding. On August 15, 2025, BNSF filed a consent motion to modify the procedural schedule, which was granted on August 19, 2025. Under the modified procedural schedule, discovery was to close by September 25, 2025, and merits briefing was to be completed by December 24, 2025.

On September 25, 2025, BNSF filed a motion to compel the deposition testimony of three UP witnesses and to hold the procedural schedule in abeyance pending resolution of its motion. BNSF requests expedited consideration of its motion.

To allow for prompt consideration of BNSF's motion, UP will be directed to file any reply it may wish to submit to BNSF's motion by Tuesday, September 30, 2025. The procedural schedule will be held in abeyance pending further order of the Board.

It is ordered:

1. UP's reply (if any) to BNSF's September 25, 2025 motion is due by September 30, 2025.
2. The procedural schedule is held in abeyance pending further order of the Board.
3. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.