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ALJ

SERVICE DATE – DECEMBER 16, 2025

SURFACE TRANSPORTATION BOARD

DECISION

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

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

**ORDER EXPEDITING REPLY ON
UNION PACIFIC’S MOTION FOR PARTIAL RECONSIDERATION OF ORDER
GRANTING BNSF’S MOTION TO COMPEL DEPOSITIONS**

Decided: December 16, 2025

This discovery matter is before the undersigned pursuant to a ruling by the Surface Transportation Board, see Decision (Nov. 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 (STR), 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 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 requested expedited consideration of its motion. On September 26, 2025, the Board’s Chief Counsel issued an order directing UP to file any reply to BNSF’s motion by September 30, 2025. The order also held the procedural schedule in abeyance pending further order of the Board. On September 30, 2025, UP filed a reply. Discovery was referred to the undersigned ALJ. Decision (Nov. 26, 2025). The Board also held the procedural schedule in abeyance pending further order of the Board. Id. at 2.

The undersigned granted BNSF’s Motion to Compel and set the deadline for the three depositions to occur no later than Wednesday, December 24, 2025. Decision (Dec. 10, 2025). UP requested reconsideration only of the deadline to conduct the depositions. (UP Motion.) Considering the deadline imposed by the Order granting the Motion to Compel and UP’s requested relief, an expedited reply is warranted.

It is ordered:

1. A Reply to UP's Motion to for Partial Reconsideration is due on or before **Thursday, December 18, 2025**.

2. This decision is effective on the date of service.

By the Board, Jenifer J. Soulikias, Administrative Law Judge.