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January 22, 2026

VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
January 22, 2026
Part of
Public Record

Re: **STB Docket No. FD 36854, Union Pacific Railroad Company—
Construction and Operation Exemption—In Matagorda County,
Texas**

Dear Chief of Case Administration:

Yesterday, January 21, 2026, BNSF Railway Company (“BNSF”) submitted a response to the Petition for Exemption filed by Union Pacific Railroad Company (“UP”) in the above-referenced proceeding. In that response, BNSF explained that UP had not responded to BNSF’s inquiries regarding UP’s proposed construction project and that BNSF could not properly comment on the merits of UP’s proposal until UP provides details regarding the impacts of UP’s proposal on BNSF’s property and operations and on other shippers in the area.

Late yesterday, more than seven months after BNSF asked UP to clarify the location where UP intends to build, BNSF received a letter from UP arguing broadly that UP has the right to use BNSF’s property. Because BNSF still has not received from UP any details regarding the location of the planned construction, BNSF remains unable to properly comment on the merits of UP’s petition.

Please contact me with any questions.

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Attorney for BNSF Railway Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket No. FD 36854 to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Sally Mordi

Sally Mordi

Attorney for BNSF Railway Company

January 22, 2026