

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 32760 (SUB-NO. 50)

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

**BNSF RAILWAY COMPANY'S
PROPOSED PROCEDURAL SCHEDULE**

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Dated: January 30, 2026

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BNSF Railway Company (“BNSF”) respectfully requests that the Surface Transportation Board (“Board”) issue an order instituting the following procedural schedule in the above-captioned proceeding:

Event	Due Date
Deadline for UP to respond to BNSF’s follow-up discovery requests sent on January 27, 2026	February 17, 2026
Close of discovery	March 9, 2026
BNSF’s opening submission	April 8, 2026
UP’s reply	May 8, 2026
BNSF’s rebuttal	June 8, 2026

On September 26, 2025, the Board held the procedural schedule in abeyance pending resolution of BNSF’s motion to compel the depositions of Union Pacific Railroad Company (“UP”) witnesses. Administrative Law Judge Soulikias granted BNSF’s motion to compel, and on January 23, 2026, BNSF completed the depositions of UP witnesses. Also on January 23, 2026, the Board issued a decision directing the parties to file a joint proposed procedural schedule by January 30, 2026, and noted

that “the proposal should include deadlines for the close of discovery, BNSF’s opening submission, UP’s reply, and BNSF’s rebuttal.” FD 32760 (Sub-No. 50), slip op. at 2 (STB served Jan. 23, 2026).

The parties have since conferred on a proposed procedural schedule but have not reached an agreement. As the Board’s January 23 order acknowledges, discovery has not yet closed in this proceeding. On January 27, 2026, BNSF emailed UP with supplemental discovery requests for documents referenced in depositions that BNSF does not believe were included in UP’s production but that would have been responsive to BNSF’s initial discovery requests. BNSF asked that UP respond to these requests and produce the documents, provide the Bates numbers if they were already produced, or certify in writing that they do not exist. BNSF also proposed a new procedural schedule that would allow UP time to respond to BNSF’s follow-up requests and for BNSF to review UP’s response (or lack thereof) prior to the close of discovery.

UP replied on January 28, 2026, agreeing to respond to BNSF’s inquiry about separate documents. UP also conveyed its position that discovery had closed as of January 23, 2026, with the completion of depositions, and UP proposed adding the same number of days between January 23 and the date of BNSF’s opening submission to the deadline for UP’s reply. BNSF could not agree to this UP proposal because it was inconsistent with the fact that discovery has not yet closed in this proceeding and because UP’s proposed extension to file a response to BNSF’s opening submission would unnecessarily extend the schedule in this case beyond what either of the previous procedural schedules contemplated. The parties conferred further on January 29, 2026, but were unable to reach an agreement.

The procedural schedule set forth above proposes a deadline of 20 days for UP to respond to BNSF’s supplemental requests followed by 20 days to allow for any additional follow-up (or motions to compel, if necessary) before discovery closes. The

remaining deadlines allow 30 days between each filing deadline, which is consistent with the previous procedural schedule before it was held in abeyance. *See* FD 32750 (Sub-No. 50), slip op. at 2 (STB served Aug. 19, 2025) (granting BNSF's consent motion to modify the procedural schedule, which extended the close of discovery deadline by 30 days and extended all other deadlines by the same amount of time). BNSF therefore asks the Board to adopt the proposed procedural schedule set forth above, which will allow the parties sufficient time to complete discovery and then prepare substantive filings.

Dated: January 30, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing BNSF Railway Company's Proposed Procedural Schedule to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Jensen Matsuda

Jensen Matsuda
Counsel for BNSF Railway Company

January 30, 2026