

SERVICE DATE – MAY 26, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36849 (Sub-No. 1)

KANSAS & OKLAHOMA RAILROAD, LLC—
LEASE AND OPERATION EXEMPTION WITH INTERCHANGE COMMITMENT—
UNION PACIFIC RAILROAD COMPANY

Decided: May 26, 2026

On May 4, 2026, Kansas & Oklahoma Railroad, LLC (K&O), a Class III rail carrier, filed a petition under 49 U.S.C. § 10502 seeking an exemption from the provisions of 49 U.S.C. § 10902 for after-the-fact authority to renew and amend a lease agreement between K&O and Union Pacific Railroad Company (UP) governing K&O's possession and use of approximately 165.98 route miles of UP-owned railroad line in western Kansas (the Lease). The leased lines consist of two segments of rail line, which extend (1) between milepost 523.02 at Geneseo, Kan., and milepost 606.0 at McCracken, Kan., and (2) between milepost 664.5 at Healy, Kan., and milepost 747.5 at Towner, Colo. (the Lines).

On the same day, K&O filed a motion for protective order that would govern access to confidential and highly confidential information in connection with this proceeding. On May 26, 2026, the Board granted stamped the request.

On May 8, 2026, Weskan Grain LLC (Weskan) filed a motion for access to confidential documents pursuant to 49 C.F.R. § 1121.3(d)(2). With its motion, Weskan included a draft protective order as required by the regulation. Weskan Mot. 3; see also 49 C.F.R. § 1121.3(d)(2)(ii). Weskan represents in its motion that neither K&O nor UP opposes its request for access. The Board will grant Weskan's request for access but deny its proposed protective order as moot. The protective order submitted by K&O on May 4, 2026, and approved by the Board on May 26, 2026, is sufficient to govern access to the requested information and fulfills the goals of 49 C.F.R. 1121.3(d)(2)(ii).

It is ordered:

1. Weskan's request for access is granted.
2. Weskan's request for a protective order is denied as moot.
3. This decision is effective on its service date.

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