



Office of the General Counsel

Surface Transportation Board
Washington, D.C. 20423-0001

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July 21, 2026
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Meeting under Section 5, STB Reauthorization Act

February 25, 2021

Present: Members Begeman, Fuchs, Oberman, Primus, and Schultz
Staff William Brennan, Stephanie Borges, Jessica Caine, Rachel Campbell,
Carolyn Chachkin, Anika Cooper, Ellen Erichsen, Amanda Gorski, Kim
Hillenbrand, Adam Kress, Lisa Novins, Robert Plum, Valerie Quinn, Michael
Small, Charles Vance, Scott Zimmerman

Topic: Docket No. FD 32760 (Sub-No. 46), BNSF Railway Company—
Terminal Trackage Rights—Kansas City Southern Railway Company and
Union Pacific Railroad Company

Summary of the Matters Discussed, Prepared by Acting General Counsel Anika Cooper¹:

At this meeting, staff briefed Board Members regarding the pleadings filed in this proceeding on December 18, 2020, and January 19, 2021, by BNSF Railway Company (BNSF), Kansas City Southern Railway Company (KCS), and Union Pacific Railroad Company (UP). In particular, BNSF filed a Petition to Establish Conditions of Use, which asks the Board to exercise its authority under 49 U.S.C. 11102(a) to: (1) establish that any future terms of BNSF's use of the Rosebluff Lead terminal trackage rights will be based on the principles that the Board set out in Decision No. 8, and (2) establish an expedited process for resolving any disputes over conditions of use for shippers other than LyondellBassell that BNSF may later elect to serve using its terminal trackage rights. KCS and UP filed replies opposing BNSF's petition.

Staff and Board Members discussed the following issues:

1. The history of this proceeding, including prior agency decisions.
2. The parties' pleadings and arguments therein.
3. Potential next steps.

¹ General Counsel Craig Keats served as a mediator in this matter. See 49 C.F.R. § 1109.3(a)(2).