



Surface Transportation Board
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Meeting under Section 5, STB Reauthorization Act

June 26, 2019

Present: Members Begeman, Fuchs, and Oberman
Staff William Brennan, Jessica Caine, Carolyn Chachkin, Anika Cooper,
Allison Davis, Ellen Erichsen, Sarah Fancher, Amanda Gorski, Lisa Novins,
Valerie Quinn

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 on pleadings filed in this proceeding on June 18th and June 25th by Kansas City Southern Railway Company (KCS), Union Pacific Railroad Company (UP), and BNSF Railway Company (BNSF) addressing mediation. In particular, KCS and UP jointly filed a letter requesting that the Board schedule a mediation session utilizing the services of the Federal Mediation and Conciliation Service in conjunction with Board staff, and BNSF filed a reply.

Staff and Board Members discussed the following issues:

1. The history of this proceeding, including prior Board decisions regarding mediation.
2. The parties' arguments regarding mediation at this time.
3. The Board's mediation procedures.
4. Possible options.

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