



Cooperative Producers, Inc.
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July 24, 2026

311841

Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
July 24, 2026
Part of
Public Record

Re: Docket No. NOR 42188, *Union Pacific Railroad Company v. BNSF Railway Company*; Comments of Cooperative Producers, Inc. (Hastings, Nebraska)

Dear Chief, Section of Administration:

Cooperative Producers, Inc. ("CPI" or "the Cooperative") submits these brief comments in the above-captioned proceeding to share its operational experience at Hastings, Nebraska, and to respectfully request that the Surface Transportation Board ("STB" or "Board") deny Defendant BNSF Railway Company's ("BNSF") pending Motion to Hold Proceeding in Abeyance Pending Resolution of Motion to Dismiss, filed on July 14, 2026.

Incorporated in 1906, CPI was formed to serve as a consolidated agricultural cooperative association to serve its producer-members, which presently exceed 13,000 equity holders. The Cooperative's facilities at Hastings, Nebraska represent the largest grain elevator in Nebraska and one of the largest in the United States.

Please note that CPI maintains business relationships with BNSF at several locations, and we offer these comments and information solely in connection with this proceeding as it relates to the Cooperative's operations at Hastings, Nebraska. The Hastings facility functions as a regional hub, whereby numerous ag producers, as well as nearby truck-only elevators without existing rail access, rely on moving grain through the Hastings facilities to reach rail markets.

For many years, CPI's facilities at Hastings, Nebraska have been and continue to be physically served by BNSF with Union Pacific Railroad Company ("UP") providing transportation through reciprocal switching arrangements, which arrangements have been successful in the efficient movement of unit trains of grain from the facilities. However, since May 20, 2026, BNSF has handled CPI's unit trains bound for Union Pacific differently than before. Rather than moving a complete train, BNSF now breaks the train into smaller cuts of cars. Prior to May 20, 2026, BNSF spotted these UP-bound trains as a single, complete movement using UP's transportation power and limited manual switching requirements — the same manner in which BNSF has historically spotted (and continues to spot) its own BNSF trains destined for the Hastings facility. CPI's data shows that a UP-bound train previously took an average of four days to move from UP, be loaded at the facility, and return to UP; and it now takes closer to eight days to complete those movements. Further, it is believed that BNSF will no longer provide weekend service to facilitate the timeliness of these movements. CPI shares this simply as part of the factual record and takes no position on its cause.

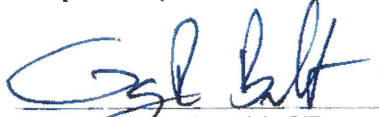
We understand that these proceedings address several locations named in the Complaint, including CPI's facilities at Hastings. It must be noted, however, that the facts described above are specific to CPI's facility and, therefore, CPI respectfully requests that the Board evaluate the circumstances at Hastings on its own terms, rather than assume that the facts, circumstances, and considerations applicable to other named locations apply equally among all affected shippers.

CPI relies on realistic, dependable access to Union Pacific throughout the crop year to move grain in a timely manner. Nebraska's fall harvest is rapidly approaching, and the need to keep pace with incoming grain and available storage capacity at our facility is of paramount importance. The loss of BNSF's weekend service and the increased cycle time described above make that even more challenging. Thus, the need for a prompt resolution and certainty with respect to the competing claims in this proceeding is critical.

Based upon the foregoing, CPI encourages the Board expedite its consideration of this matter in every way possible, and we respectfully request that the Board deny BNSF's pending Motion to Hold Proceedings in Abeyance Pending Resolution of Motion to Dismiss.

The Board's continuing attention to this matter is appreciated.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Gary R. Brandt", is written over a horizontal line.

Gary R. Brandt, Chief Executive Officer
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CERTIFICATE OF SERVICE

I certify that I have this day served copies of the foregoing document upon all parties of record in this proceeding NOR 42188, to be served electronically or by first-class mail, to the following:

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Dated: July 24, 2026.

By: 

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