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THOMAS F. MCFARLAND

April 23, 2007

By e-filing

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W., Suite 1149
Washington, DC 20024

Re: Finance Docket No. 35008, *Utah Transit Authority -- Acquisition Exemption --
Union Pacific Railroad Company in Salt Lake County, UT*

Dear Mr. Williams

The Utah Shipper Coalition strongly opposes the highly-expedited and inadequate procedural schedule set forth in the Response of Utah Transit Authority, et al. filed on April 26, 2007. The issues in this matter are complex and largely untested in the prior "Transit Authority" cases. Those issues cannot be adequately addressed in the accelerated manner suggested by Utah Transit Authority, et al. Merely as an example, evidence has yet to be developed regarding the agreement(s) that exist, or will exist, between Utah Transit Authority and BNSF Railway Company; the volume and nature of BNSF traffic on the rail lines; the experience and qualifications of Savage, Bingham and Garfield Railroad Company; and the operating characteristics of the rail lines and yards that will be used to provide the service.

The legitimate interests of freight shippers in this matter require an evidentiary schedule that fully comports with procedural due process. The shortened schedule put forth by Utah Transit Authority, et al. clearly does not do so. The passenger service construction schedule desired by Utah Transit Authority must give way to the requirements of procedural due process. At least sixty days are needed before the filing of Utah Shipper Coalition's evidence and argument, and more if it is necessary to compel responses to discovery.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Utah Shipper Coalition

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