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

July 24, 2026

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

Re: Docket No. NOR 42188, *Union Pacific Railroad Company v. BNSF Railway Company*; Comments of Farmers Cooperative (Facility Location: Lincoln, Nebraska)

Dear Chief, Section of Administration:

Farmers Cooperative (the "Cooperative") submits this letter in the above-captioned proceeding to share its perspectives and operational experience at Lincoln, Nebraska, and to respectfully request that the Surface Transportation Board ("STB" or "Board") summarily dispose of the pending Motions filed by Defendant BNSF Railway Company ("BNSF"), including the denial of BNSF's Motion to Dismiss filed on July 7, 2026; and the denial BNSF's Motion to Hold Proceeding in Abeyance Pending Resolution of Motion to Dismiss, filed on July 14, 2026.

Farmers Cooperative is a Nebraska cooperative corporation serving agricultural producers and grain shippers in southeast Nebraska and northeast Kansas. In 2022, the Cooperative purchased from AGP Grain Marketing, LLC its grain merchandising, bulk storage, and drying facilities located at 940 Calvert Street, Lincoln, Nebraska (the "Lincoln Facilities"). Since the acquisition, the Cooperative has continuously loaded unit trains which are physically served by BNSF, with Union Pacific Railroad Company ("UP") providing transportation through reciprocal switching from UP's yard in Lincoln. The Lincoln Facilities are the subject, in part, of the pending proceeding before the Board.

Transportation through reciprocal switching arrangements has been successful in the efficient movement of unit trains of grain from the Lincoln Facilities. In fact, over the past several years, the vast majority of the Cooperative's train volume traffic at the facility has been served by UP at the former unit train grain rate. BNSF's recent actions, without commensurate justification, negatively impacts local competition and is expected to severely impair the Cooperative's customary marketing and business opportunities. The Cooperative is now only allowed UP manifest movements by BNSF, which the industry widely recognizes as inefficient from marketing and labor-intensive aspects. Because the Cooperative only retains UP access as a single car manifest shipper (not a UP Shuttle train loader), the result of the discontinuance of reciprocal

switching to allow UP to ship unit trains from the Lincoln Facility has caused the Cooperative to lose all access to UP Shuttle markets (both corn and soybean) and arbitrage opportunities, including the most competitive yellow corn rail market (UP Group 3 Market) in Nebraska.

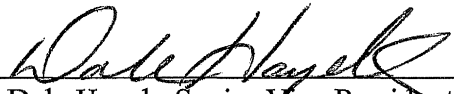
The pending proceedings before the Board address several locations named in the Complaint, including the Lincoln Facilities. However, not all affected locations are similarly impacted. For instance, unlike the other shipper locations noted in the Complaint filed in this proceeding, the Lincoln Facility is served using UP Locomotives, along with BNSF labor, placing whole shuttles and departing the facility as completed whole shuttles. Due to the wide variance in operational logistics among the affected facilities, Farmers Cooperative respectfully requests that the Board evaluate the circumstances at the Lincoln Facilities on its own terms, rather than assume that the facts, circumstances, and considerations applicable to other named locations apply equally among all affected shippers.

Farmers Cooperative relies on realistic, dependable access to Union Pacific throughout the crop year to move grain in a timely manner. Competitive access to unit train traffic in southeast Nebraska is critical to Farmer Cooperative's business operations. And with the approaching grain harvest and other market uncertainties, there is a pressing need for a prompt resolution of the competing claims in this proceeding NOR 42188. The Cooperative encourages the Board to establish a procedural schedule that allows the parties reasonable opportunities to gather and present relevant evidence and arguments to the Board, but in an expedited manner.

Based upon the foregoing, Farmers Cooperative encourages the Board to: (a) deny BNSF's Motion to Dismiss filed on July 7, 2026; (b) deny BNSF's Motion to Hold Proceeding in Abeyance Pending Resolution of Motion to Dismiss, filed on July 14, 2026; and (c) establish a condensed procedural schedule to provide for prompt discovery, submission of evidence and arguments, and disposition of this proceeding.

Respectfully submitted,

FARMERS COOPERATIVE

By: 
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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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