

SERVICE DATE – NOVEMBER 26, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 32760 (Sub-No. 50)

BNSF RAILWAY COMPANY—PETITION FOR ENFORCEMENT—
INTERCHANGE WITH SAVAGE TOOEELE RAILROAD COMPANY

Digest:¹ This decision assigns and authorizes an administrative law judge to address discovery matters and continues to hold the procedural schedule in this proceeding in abeyance pending further order of the Board.

Decided: November 26, 2025

On June 20, 2024, BNSF Railway Company (BNSF) filed a petition requesting that the Board enforce certain conditions imposed in its 1996 decision authorizing the merger of the Union Pacific Railroad Company (UP) and the Southern Pacific Rail Corporation by requiring UP to allow BNSF to interchange with Savage Tooele Railroad Company, a short line railroad serving the Lakeview Business Park in Tooele County, Utah. By decision served April 28, 2025, the Board denied UP's request to dismiss BNSF's petition and set a procedural schedule for this proceeding. On August 15, 2025, BNSF filed a consent motion to modify the procedural schedule, which was granted on August 19, 2025. Under the modified procedural schedule, discovery was to close by September 25, 2025, and merits briefing was to be completed by December 24, 2025.

On September 25, 2025, BNSF filed a motion to compel the deposition testimony of three UP witnesses and to hold the procedural schedule in abeyance pending resolution of its motion. BNSF requested expedited consideration of its motion. On September 26, 2025, the Board's Chief Counsel issued an order directing UP to file any reply to BNSF's motion by September 30, 2025. The order also held the procedural schedule in abeyance pending further order of the Board. On September 30, 2025, UP filed a reply.

DISCUSSION & CONCLUSIONS

The Board has signed a Memorandum of Understanding with the U.S. Department of Health and Human Services Office of Medicare Hearings and Appeals to employ the services of administrative law judges (ALJs) on a case-by-case basis to perform discrete, Board-assigned functions such as adjudicating discovery disputes in cases pending before the Board. The Board

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

hereby assigns and authorizes Administrative Law Judge Jenifer Soulikias to entertain and rule upon discovery matters and to resolve initially any disputes concerning discovery in this proceeding, including BNSF's September 25, 2025 motion to compel. The parties are directed to send copies of all their filings and documents in this proceeding, including submissions already filed with the Board, to Judge Soulikias at alj.soulikias.inbox@stb.gov.

The Board will continue to hold the procedural schedule in abeyance pending further order of the Board.

It is ordered:

1. The Board hereby ratifies the loan of Administrative Law Judge Soulikias to the office of administrative law judge in the Surface Transportation Board, under terms and conditions prescribed in 5 U.S.C. § 3344 and 5 C.F.R. § 930.208, and the Board today approves her appointment as the Board's own action under the Constitution. Judge Soulikias is assigned to entertain and rule upon discovery matters and to resolve initially any disputes concerning discovery in this proceeding, including BNSF's September 25, 2025 motion to compel.

2. In addition to filing pleadings with the Board and serving copies on parties of record, parties must send a copy of all filings and documents, including submissions already filed with the Board, to Judge Soulikias at alj.soulikias.inbox@stb.gov.

3. Judge Soulikias will be added to the service list in this proceeding and a copy of this decision will be served upon her.

4. A copy of this decision will be served on the U.S. Office of Personnel Management (OPM), at Human Resource Solutions, Administrative Law Judge Program, 1900 E Street N.W., Suite 2469, Washington, DC 20415-9400 and electronically at lenor.thompson-watkins@opm.gov. Judge Soulikias shall send a copy of the notice or order that constitutes the final disposition of her assignment of this case to OPM at the above address.

5. The procedural schedule is held in abeyance pending further order of the Board.

6. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, and Schultz.