

Peter W. Denton
202 429 6445
pdenton@steptoe.com

Steptoe

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoec.com

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VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

**Re: STB Docket No. FD 32760 (Sub-No. 51), BNSF Railway Company—
Emergency Petition for Enforcement—Interchange with Salt Lake
Garfield & Western Railway**

Dear Ms. Brown:

On behalf of BNSF Railway Company, I am filing the attached letter to update the Board on the status of the above-referenced matter. Farah Lawler, BNSF's VP Service Design Network Strategy Design & Innovation, sent the attached letter to her counterparts at Union Pacific Railway Company today as a follow-up to their correspondence that is already in the record in this proceeding.

As Ms. Lawler's letter explains, BNSF continues to have no desire to use the Southern Route for its intermodal service to/from Salt Lake City and BNSF continues to want to use the Northern Route. But in the interest of finding solutions to move BNSF's customers' business without delay, BNSF is willing to accommodate UP's continued insistence that BNSF run these trains over the Southern Route. BNSF will have no obligation to contribute to the Donner Pass clearance project if UP forces BNSF to use the Southern Route.

Ms. Lawler's letter also explains that UP's claim that BNSF would need to wait five months for UP to on-board the necessary employees (and then another one-to-two months to "ramp up" to BNSF's full desired service) is not consistent with UP's obligation under the RASA and the Board's UP/SP merger conditions to "provide" train crews for these BNSF trains. UP is not meeting this obligation if UP can serve some or all of the requested trains using existing crews.

In BNSF's July 7 petition, BNSF requested that the Board promptly issue an emergency order directing UP: (1) to allow BNSF to run double-stack intermodal trains eastbound and westbound over the Northern Route pursuant to BNSF's

trackage rights over these lines granted by the Board as a condition to the UP/SP merger; and (2) to provide the crews for these BNSF trains, pursuant to its obligations under Section 1(h) of the RASA.

Consistent with BNSF's latest positions expressed in Ms. Lawler's letter, BNSF is providing another routing option to allow this traffic to move in a timely fashion for our customers. However, BNSF does not concede UP's ability to preclude BNSF from using the Northern Route for these movements.

Additionally, based on new representations made by Mr. Garrison in the letter submitted in this proceeding on July 10, 2025, BNSF must ask that the Board, on an expedited basis, order UP to not condition any future movement of BNSF's trains via the Southern Route on BNSF's up-front repayment of costs that UP incurred in connection with the Donner Pass clearance project. The letter from Mr. Garrison states that "BNSF shall be responsible to pay for its share of the cost . . . , before the first shipment is sent." BNSF agrees with UP's prior position stated in its July 7, 2025 filing that "resolving this particular dispute is about payment of money." If UP continues to push its baseless claim for compensation, the issue should be resolved on a non-emergency basis in the appropriate forum. But the Board should order UP to not further block the BNSF trains pending any such necessary resolution.

Finally, given UP's refusal in its July 10 letter to crew these trains for at least a five-month period, BNSF reiterates its request that the Board issue an order on an emergency, expedited basis requiring UP to provide the crews for these BNSF trains as soon as possible, including by using existing UP train crews. As Ms. Lawler explains, UP's position is not consistent with its obligations under the UP/SP merger conditions to provide train crews for BNSF's trains. BNSF also requests that the Board order UP to provide weekly updates regarding the crew provision status.

Please contact me or Timothy J. Strafford at (202) 429-8170 with any questions.

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton
Attorney for BNSF Railway Company



FARAH K. LAWLER

*Vice President Service Design
Network Strategy Design & Innovation*

BNSF Railway Company

2500 Lou Menk Drive
Fort Worth, Texas 76161
Email: farah.lawler@bnsf.com

Phone: (817) 867-6553

July 10, 2025

Via Email

Carl Garrison
Vice President, Network Planning and Operations
Union Pacific Railroad
clgarris@up.com

David W. Hughes
AVP Joint Facilities & Interline Operations
Union Pacific Railroad
1400 Douglas Street, Mailstop 1180
Omaha, Nebraska 68179
DWHughes@up.com

Via Certified Mail, Return Receipt Requested

Executive Vice President – Operations
Union Pacific Railroad
Room 1206
1416 Dodge Street
Omaha, Nebraska 68179

Director Joint Facilities
Room 1200
1416 Dodge Street
Omaha, Nebraska 68179

RE: Routing of BNSF intermodal traffic to Salt Lake City, UT

Dear Carl,

This is a follow-up to our discussion on July 8 and your letter of earlier today. Aspects of your letter unfortunately leave me very concerned that UP will continue to raise baseless objections and unnecessary process hurdles. Nonetheless, I write again today to try to engage in a solution for our customers.

BNSF is less than 24 hours from releasing the first westbound train for departure. BNSF's preference is not to use the Nevada and Roseville Subdivisions via the Donner Pass (the "Southern Route"), and we maintain that UP cannot run directionally in such a way that impairs our ability to provide competitive service. Nonetheless, we are trying to find solutions to move our customers' business without delay. Because this first train will be single stacked in both directions, if it needs to run through the Southern Route for UP's operational convenience, that is UP's prerogative. Either way, BNSF will incur no obligation to pay for the Donner Pass clearance project.

Going forward, we are willing to accommodate UP's continued insistence that we run these trains as part of UP's existing operations on the route between Stockton and Weso bidirectionally across the Roseville sub, as stated in your letter. We expect this traffic to be exclusively international containers. BNSF does not intend to run "domestic high cube double stacks," for this new traffic, so BNSF will have no obligation to contribute to the 2009 Donner Pass clearance improvements when UP chooses to route these trains through Donner Pass. UP has no justification for holding up trains on the basis of a claim for

payment under a provision that we will not trigger and that is only even coming into play because of UP's improper insistence that BNSF's rights over the Northern route have been extinguished by UP's unilateral changes to that line. I am concerned that your letter outlines a new position that BNSF will need to make pre-payment for long-ago UP Donner clearances (which we dispute are owed for this international traffic) before you will originate our trains. That is inappropriate, a violation of your contractual obligations and is also contrary to the representations you and your counsel made to the STB on Monday. Please immediately confirm that you are not asserting that BNSF cannot move any trains until we may some unspecified and clearly contested payment for the 2009 Donner Pass clearances.

Regarding the crew issue, it is highly improbable that UP does not have enough crews to operate one additional train and needs five months to hire new crews for this train or future trains. The RASA requires UP to "provide" train crews, and UP has not addressed whether it has investigated if it can provide train crews without hiring them. We maintain that UP was given reasonable, adequate notice to provide crews for these trains, and it appears that UP has done nothing to this point to comply with its obligation. UP's most recent position seems to be that it will not take any steps to serve this volume with any existing UP crews, and that UP will insist on only hiring brand new employees to serve any BNSF volumes. There is no basis for that kind of a distinction in the RASA or our trackage rights agreement—UP's obligations are to provide crews, and to only add to its labor force if needed to comply with a request. UP is not meeting its obligations to "provide crews" if it can serve some or all of the requested trains using existing crews.

Even accepting your 5-month hiring timeline, notice of the need for crews was provided in early May. Moreover, we are providing more granular information below that should allow UP to identify available crews over the coming days and weeks to support this customer business on a timeline of less than 5 months. We have included below a table of our expected traffic flow for these new trains, which we will update if the information changes.

SLC 8 Week plan / Double stacked	Inbound trains	Outbound Trains
WK - 28	1	1
WK- 29	1	1
WK - 30	1	1
WK -31	3	3
WK - 32	3	3
WK - 33	3	3
WK -34	3	3
WK 35	3	3
8 Weeks	Total	Total
	18	18

To the extent UP truly needs to hire new crews to accommodate these trains, we request weekly updates on the status of the on-boarding process so that we can run trains as employees become available.

In addition, your alleged concern about SLGW is unfounded. We have confirmed with SLGW today that the SLGW facility is designed to accommodate a unit train. Thus, the UP main line should only be occupied during the shove move to get the BNSF trains into the SLGW facility. SLGW will cut the trains entirely within its facility.

Finally, I anticipate UP will continue to seek ways to delay so I am also attaching a revised operating plan for this move, should UP continue to insist that it must route the trains via the Donner Pass route.

Regards,



Farah K. Lawler
VP Service Design Network Strategy Design & Innovation

cc: Surface Transportation Board
Olivia Power
Courtney Estes
Jacob Godard

BNSF/SLGW Operating Plan

Road Handling Component (BNSF)/(UP)

BNSF Crews will handle train from SCOD to Roseville to handoff / Crew Swap with UP Crew

A key component is that UP will be handling the train from Roseville to SLC / SLC to Roseville and will be 3 crew changes each Direction on the southern route.

Southern Route Train Compliance/Restrictions

The trains will be in compliance and will not exceed footage restrictions. Also, routed the Southern route the trains will be well cars (whether single or double stacked) loaded with international intermodal containers, and not domestic intermodal containers.

- UP Crew Bases / Changes
 - Westbound - UP Elko Crew base, UP Sparks Crew base, UP Roseville Crew base
 - Eastbound - UP Roseville Crew base, UP Sparks Crew base, UP Elko Crew base
- Southern Route
 - Westbound (Shafter Sub, Nevada Sub, Roseville Sub) - Max 9400'
 - Eastbound (Roseville Sub, Nevada Sub, Shafter Sub) - Max 5700'
- **Southern Route Westbound** - The train will be required to run at max 9400' Westbound Routed SLC where (SLGW) will hand train off at Grants Tower to UP - Elko - Sparks - Roseville / UP/BNSF Crew Swap at Roseville.
- **Southern Route Eastbound** - Train will traverse 5700' max and routed Roseville - Sparks - Elko - SLC (SLGW) to handoff to SLGW at Grants Tower.
- UP Elko crew base will handle train for UP to Spot and Pull. UP could use Ogden crew base as well if needed.
- Trains will **NEED** to be DP'd 2 * 2 and will arrive and depart loaded.

Patriot Rail (SLGW) Facility / Handling

SLGW has put together a process playbook.

- Upon handoff (NOTE: SLGW (Patriot Railway) will communicate the handoff at Grants Twr with UP) — No delays should occur, UP will shove train behind derail, logoff TO and PTC, and SLGW will step on and shove train back 7.6 miles to facility. Conductor will ride DP motor. (Note: Handoff will only have 1 crossing blocked with routes around)
- SLGW will switch train in (3) 1800' cuts (Unload and Reload) per cut.
- Third party vendor will handle the unloading process, estimating 24–36 hour turnaround per train.
 - **3rd party unloading/loading**
 - Phase 1 only 5 DOW - 2 shifts
 - Phase 2 - 7 DOW - 2 shifts
 - Phase 3 - 24/7 Ops

- The facility has 12 tracks total and 2 Designated tracks that will fit 2 trains — Tracks 301 and 302- and Patriot Rail says they can accommodate more if we need to run a longer train westbound.
- SLGW crews are DP qualified and qualified and is able to perform a 1500 mile EH inspection
- We need to provide ETD's if train is going to depart conventional.
- Patriot Rail will be fueling the BNSF power
- Track is good for 6 axle motors.

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket No. FD 32760 (Sub-No. 51) to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Sally Mordi

Sally Mordi
Attorney for BNSF Railway Company

July 10, 2025