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SERVICE DATE – JANUARY 23, 2026

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: January 23, 2026

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 initial 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. By decision served 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.

By decision served November 26, 2025, the Board assigned and authorized 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 Board continued to hold the procedural schedule in abeyance. By order served December 10, 2025, Judge Soulikias granted BNSF's motion to compel and directed that the depositions occur no later than December 24, 2025.

On December 12, 2025, UP filed a motion for partial reconsideration requesting that Judge Soulikias extend the December 24, 2025 deposition completion deadline to January 23, 2026. BNSF filed a reply on December 17, 2025, stating that it did not consent to the extension. By order served December 19, 2025, Judge Soulikias granted UP's motion for partial reconsideration and ordered that the depositions occur no later than January 23, 2026.

The parties will be directed to jointly file a proposed procedural schedule for the remainder of the proceeding by January 30, 2026. Consistent with the modified procedural schedule previously approved in this proceeding, the proposal should include deadlines for the close of discovery, BNSF's opening submission, UP's reply, and BNSF's rebuttal.

It is ordered:

1. The parties are directed to file a joint proposed procedural schedule by January 30, 2026.
2. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.